Deposition of: Michael R. Cummings

Date: December 6, 2010

Case: Jerry A. Brabazon v. Aurora Health Care, Inc.

Printed On: December 10, 2010

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Excellence in Court Reporting

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF WISCONSIN

JERRY A. BRABAZON, individually,

and on behalf of all others similarly situated,

Plaintiff,

v.

Case No. 2:10-CV-00714

AURORA HEALTH CARE, INC.,

Defendant.

DEPOSITION

MICHAEL R. CUMMINGS

Milwaukee, Wisconsin

December 6, 2010

Brandé A. Browne, RPR, CRR

Registered Professional Reporter

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1		,	DEPOSITION of MICHAEL R. CUMMINGS, a witness
1	INDEX	1 2	of lawful age, taken on behalf of the Plaintiff,
2	Witness Pages	3	wherein Jerry A. Brabazon is Plaintiff, and Aurora
3	MICHAEL R. CUMMINGS	4	Health Care, Inc. is Defendant, pending in the
4	Examination by Mr. Parsons 5	5 6	United States District Court for the Eastern
5	Examination by Mr. Scullen 143	7	District of Wisconsin, pursuant to notice, before Brandé A. Browne, a Registered Professional Reporter
6		8	and Notary Public in and for the State of Wisconsin,
7	EXHIBITS	9	at the offices of Quarles & Brady, LLP, Attorneys at
8	No. Description Identified	10 11	Law, 411 East Wisconsin Avenue, Suite 2040, City of Milwaukee, County of Milwaukee, and State of
9	1 Notice of deposition 14	12	Wisconsin, on the 6th day of December 2010,
10	2 Organizational charts 30	13	commencing at 9:23 in the forenoon.
11	3 Security officer job description 92	14	-
12	4 Excerpts from 2007 ACT tracks 111	15	APPEARANCES
13	5 AUR-JB 075448 and 077352 115	16	WILLIAM E. PARSONS and DAVID C. ZOELLER, Attorneys,
14	5A AUR-JB 071007 and 075447 115		for HAWKS QUINDEL, S.C., Attorneys at Law,
15	5B AUR-JB 068194 and 071006 115	17	222 West Washington Avenue, Suite 450, Madison,
16	5C AUR-JB 067390 and 068193 115	1.0	Wisconsin 53701-2155, appearing on behalf of
17	5D AUR-JB 065205 and 067389 115	18 19	the Plaintiff. SUMMER H. CARLISLE and LYNN M. NOVOTNAK, Attorneys,
18	5E AUR-JB 064973 and 065204 115		for HAWKS QUINDEL, S.C., Attorneys at Law,
19	5F AUR-JB 064490 and 064972 115	20	700 West Michigan, Suite 500, Milwaukee,
20	5G AUR-JB 062884 and 064489 115	0.1	Wisconsin 53201-0442, appearing on behalf of
21	5H AUR-JB 008057 and 012067 115	21 22	the Plaintiff. SEAN M. SCULLEN, Attorney,
22	5I AUR-JB 007365 and 008056 115		for QUARLES & BRADY, LLP, Attorneys at Law,
23	5J AUR-JB 007365 and 008056 115	23	411 East Wisconsin Avenue, Suite 2040,
24	5K AUR-JB 043956 and 046652 115		Milwaukee, Wisconsin 53202-4426, appearing on
25	5L AUR-JB 041706 and 043955 115	24	behalf of the Defendant.  Also present: Dawn E. Faucett
	Page 3		Page 5
1	EXHIBITS (Continued)	1	MICHAEL R. CUMMINGS,
2	No. Description Identified	2	called as a witness, being first duly sworn,
3	5M AUR-JB 003797 and 007364 115	3	testified on oath as follows:
4	5N AUR-JB 037214 and 041705 115	4	testified oil oath as follows.
5	5O AUR-JB 034299 and 037213 115		EVAMINATION
6 7	5P AUR-JB 012068 and 013742 115 5Q AUR-JB 013743-013744 and 014255-014257 115	5	EXAMINATION  Pro Mr. Proposition
8	5Q AUR-JB 013743-013744 and 014255-014257 115 5R AUR-JB 014258-014259 and 016408 115	6	By Mr. Parsons:
9	5S AUR-JB 016409 and 024183 115	7	Q Good morning, Mr. Cummings.
10	5T AUR-JB 024184 and 028304 115	8	A Good morning.
11	5U AUR-JB 028305 and 030066 115	9	Q My name is Bill Parsons, and I'll be taking the
12	5V AUR-JB 030067-030068 and 033723 115	10	30(b)6 deposition of Aurora today, and you're one
13 14	5W AUR-JB 033724 and 034298 115 6 Employee handbook 121	11	of the witnesses that has been designated to
15	6 Employee handbook 121 7 Loss prevention policies and procedures 122	12	testify. Have you ever been deposed before?
16	8 Nonexempt and exempt employee policy 123	13	A I have.
17	9 Payroll policy 125	14	Q Can you tell me what type of case it was that you
18	10 Table of contents for 125	15	were deposed?
19	system policy manual	16	A Four times. Three of them were as an expert
1 2	11 AUR-JB 046655-046670 126	17	witness in security negligent cases, and one case
20	120	18	related to Aurora.
	12 Kronos Practices document 134	19	Q What was the case related to Aurora about?
21		20	A I don't remember the specifics. It was one of our
22	(The original archibits were startled to 41 11 11	21	staff named Robert Solie had brought a case
23	(The original exhibits were attached to the original transcript and copies were provided to counsel)	22	against Aurora some years ago, and I remember
24	transcript and copies were provided to counser)	23	being deposed on that.
	(The original deposition transcript was filed with	24	Q And when was the last time that you were deposed?
25	Attorney William E. Parsons)	25	A October of this year.

2 (Pages 2 to 5)

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1	Q What was that related to?	1	Α	Michael Ray Cummings.
2	A That was related to a negligent security case.	2		And your date of birth?
3	Q And this is one of the cases in which you were	3		4/1/52.
4	testifying on behalf of or as an expert	4		Can I get your home address?
5	witness?	5		212 West Davenport Street, Elkhorn,
6	A Correct.	6		Visconsin 53121.
7	Q Who were you testifying on behalf of?	7	Q	How long have you lived at that address?
8	A Laureate, it's a medical center, medical complex,	8		A little over three years.
9	in Tulsa, Oklahoma.	9	Q	Can we talk about your education, starting with
10	Q What areas were you providing expert witness on?	10	У	our graduation from high school?
11	A The case related to this particular organization	11	A	Graduated from Custer High School in Milwaukee in
12	being sued civilly for negligent security, and I	12	1	970, attended Marquette University, and graduated
13	did an assessment, and it was my opinion that	13	f	rom Marquette in 1974 with a bachelor's degree.
14	their security wasn't negligent, and so I was	14	S	Somewhere in the early '90s, I did all my master's
15	deposed in that case.	15		oursework from Webster University with a dual
16	Q Did you provide any kind of an expert report or	16		najor in security management and human resources,
17	anything like that?	17		and just recently, after completing all the
18	A Nothing in writing, no.	18		coursework, just recently actually currently
19	Q What court was that case brought in?	19		enrolled in the Capstone course to get my
20	A I don't know the exact jurisdiction. I know it	20		naster's.
21	was deposed in Tulsa, Oklahoma.	21		Just a couple follow-ups on that. You said
22	Q Did you have legal counsel for your work in that	22		Marquette in '74 with a bachelor's degree?
23	case?	23		Yes.
24	A I did.	24		What was the major that
25	Q Who was that?	25	Α	I had a double major in history and political
	Page 7			Page 9
1	A Barkley Law Firm.	1		cience.
2	A Barkley Law Firm. Q And where are they located?	2	Q	cience. And then the master's program that you were in
2 3	<ul><li>A Barkley Law Firm.</li><li>Q And where are they located?</li><li>A In Tulsa.</li></ul>	2 3	Q v	cience. And then the master's program that you were in with Webster University, that was completed when?
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3 (Pages 6 to 9)

	Page 10		Page 12
1	worked for Sak's Fifth Avenue as their manager of	1	A Correct.
2	loss prevention in Chicago. Prior to that, for a	2	Q And after that initial change and the change in
3	year and a half, I was the assistant director of	3	which it became sort of a corporate-wide position,
4	security at Mount Sinai, and prior to that, I	4	have you has your position changed since then?
5	worked for Marshall Fields, both in Wisconsin and	5	A It has in scope and the responsibilities with the
6	in Chicago for 13 years.	6	various different types of delivery of health care
7	Q And that takes you basically back to the point in	7	services that Aurora has done over the years. My
8	time at which you graduated from Marquette?	8	job to provide security in those different
9	A Actually, I started with Fields in '73 when I was	9	environments has changed. I also approximately
10	in my senior year.	10	became responsible for employee health and
11	Q You said you started with Mount Sinai July of	11	wellness at Aurora as well. So that was a
12	1987?	12	separate add-on.
13	A As the director, yes.	13	Q What does employee health and wellness encompass?
14	Q Director of what?	14	A It's the department that takes care of a lot of
15	A Security.	15	our employees, our caregivers, for their health
16	Q Prior to that, did you hold any positions with	16	needs, manager the leave of absence process,
17	Mount Sinai?	17	manages the preventative wellness things like flu
18	A Yes, I had been the assistant director from	18	shots, the internal health situation for our
19	approximately March of 1985 until late fall of	19	caregivers.
20	'86.	20	Q My notes indicate that your current title is the
21	Q As the director of security with Mount Sinai, what	21	director of security and loss prevention for
22	were your basic job duties?	22	Aurora; is that correct?
23	A Basically overseeing the security program for	23	A Yeah, or it's director of loss prevention
24	Mount Sinai Medical Center, setting security	24	services. It's mentioned both ways.
25	policy. I did have operational responsibilities	25	Q And how long have you been in the position as it
	D 11		
	Page 11		Page 13
1		1	
1 2	as well for regular routine security functions,	1 2	has been titled one of those two ways?
2	as well for regular routine security functions, guard staffing, policy development, those sorts of	2	has been titled one of those two ways?  A I think 1989 is when the title from corporate
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A I nat is primarily a compensation department and    25 individuals who participated in setting those	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	as it's one of the department positions that ultimately reports up to me.  Q And topic area number 3 is Aurora's manner of compensating its security officers during the period beginning three years prior to the filing of this lawsuit to the present day, including any changes made to the manner of compensation during that period. Again, can you give me your qualifications to testify to that topic area?  A Somewhat the same. I have responsibility for the budget for the loss prevention department, and as such, I need to be familiar with how our folks are being compensated.  Q And I keep using the term security officers. Is that the correct  A Yes. We either use security or loss prevention officers, either one.  Q In terms of the compensation policy that Aurora has for paying its security or loss prevention officers, do you set that policy?  A No.	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	much security officers get paid throughout the Aurora system, is that a corporate-wide decision that a person makes or a group of people make?  A So their hourly rate?  Q Yes.  A That would be assessed by the compensation department, and then ultimately approved at a higher level.  Q Who's the head of the compensation department?  A The manager of the compensation department is Mark Roundtree.  Q And Mr. Roundtree is the highest, as managers, the highest-ranking person of the compensation department?  A Compensation specifically, he reports to the director of compensation and benefits.  Q And who is that?  A Kathy Klobuchar.  Q So moving on then to topic number 6, which is Aurora's policies and practices regarding meal periods, including the tracking and payment for
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5 (Pages 14 to 17)

	Page 18		Page 20
1	policies, the materials or advice relied in	1	higher level.
2	setting those policies, and any efforts taken by	2	Q So the departments that would be involved are the
3	Aurora to ensure that these policies remain in	3	compensation department, the human resources
4	compliance with Wisconsin and federal wage and	4	department, and then ultimately those recommended
5	hour laws.	5	changes would have to be approved higher up?
6	A It is.	6	A Correct.
7	Q That's a lot, so let's break that down.	7	Q And when you say higher up, what do you mean?
8	MR. SCULLEN: As a result, it's	8	A Depending on the nature of the change, it could be
9	also going to be covered by more than just	9	the office of the president or some of those
10	Mr. Cummings. We've also identified	10	senior leaders in the organization. I'm not sure
11	Ms. Faucett to testify with regard to aspects	11	who all has hands-on each of those decisions.
12	of that. In particular, as it relates to	12	Q The second sentence there reads, the identity of
13	other things other than security officers.	13	any individuals who participated in setting those
14	MR. PARSONS: We'll just put on the	14	policies. Do you know who those individuals would
15	record then that Mr. Cummings will testify to	15	be?
16	a portion of this, and there may be other	16	A Not by name.
17	witnesses who testify as well.	17	Q Do you know what departments those would be?
18	Q Breaking this down, Aurora's policies and	18	A Again, it would be compensation, human resources,
19	practices regarding meal periods including the	19	and then ultimately senior leadership.
20	tracking and payment for on-duty meal periods;	20	Q And I'm assuming based on the comment from counsel
21	what qualifies you to testify to that topic?	21	that you may not be the most competent person
22	A The fact that these officers report to me, and	22	today to testify on the identity of the
23	again, they're a part of my budget which I'm	23	individuals setting those policies; is that
24	responsible for.	24	correct?
25	Q Do you set the policy and practice regarding meal	25	A I would believe that's true.
	Page 19		Page 21
1	periods for security officers?	1	(Discussion off the record)
2	A I do not.	2	Q The next part of that sentence reads, the
3	Q Who does that?	3	materials or advice relied on in setting those
4	A The overall practice is set and is reflected in	4	policies. I'm assuming, again, that that would
5	our handbook in various policies not established	5	not be an area that you're going to be testifying
6	by me specifically.	6	on today; is that correct?
7	Q Who is the person or if there's more than one	7	A Correct.
8	person who has the ability to change those	8	Q Then the last part is any efforts taken by Aurora
9	policies and practices in the handbook that you	9	to ensure that these policies remain in compliance
10	just referenced?	10	with Wisconsin and federal wage and hour laws. Do
11	A I don't know that I could give you, again, a	11	you have any competency to testify on that
12	single name because of the complexity depending	12	particular issue?
13	on the level of the change, who would be	13	A Just to the point that in my role reporting in the
14	ultimately responsible for approving it based on	14	human resources department overall that I have
15	recommendations that would come from the	15	I'm aware that the human resources department
16	compensation department.	16	works very diligently to ensure that all of our
17	Q In terms of the meal policies and practices as	17	policies are in compliance with both state and
18	they currently exist, who is in charge of those	18	federal law. I've been at meetings where that has
19	policies?	19	been an issue, so I'm aware of that. To that
20	A By in charge, do you mean who manages and	20	degree is what I could testify to.
21	publishes and who makes the decision?	21	Q And you don't have any compliance responsibility
22	Q I mean more interested in who makes the decision.	22	yourself personally, do you?
23	A Again, it would probably be multiple. It would be	23	A That's correct, I don't.
24	recommended by compensation and human resources,	24	Q Then topic area number 9 is Aurora's policy and
25	and then ultimately, the policy is approved at a	25	practice of reporting and recording work hours and

6 (Pages 18 to 21)

	Davis 22		Paris 24
	Page 22		Page 24
1	overtime hours as those practices relate to	1	corporate-wide organizational structure during the
2	security officers during the period beginning	2	period of three years prior to the filing of the
3	three years prior to the lawsuit to the present	3	lawsuit to present. As I understand things from
4	day. What qualifies you to testify as to that	4	your counsel, you are not the sole witness
5	issue?	5	designated to testify as to Aurora's
6	A Having responsibility for the loss prevention	6	corporate-wide organizational structure, but that
7	department, it would be my responsibility to, as	7	you, but that you are going to be able to testify
8	best as I can, ensure that our security staff is	8	as to the organizational structure of the security
9	meeting the intent and the spirit of the policy	9	or loss prevention department; is that correct?
10	and any law relative to overtime or worked hours.	10	A That's correct.
11	Q Are you the person who would be responsible for	11	Q And again, what qualifies you to testify as to
12	setting the policy and practices of Aurora's	12	this subject?
13	security guards or officers in terms of reporting	13 14	A As the director of loss prevention, I'm
14 15	and recording their work hours?	15	responsible to organize the department in such a way to meet our mission and complete the work that
16	A Are you talking about by recording, are you talking about on the macro level where they get	16	way to meet our mission and complete the work that we're tasked to do.
17		17	
18	paid, or are you talking about recording to the point that I may set additional policy or	18	Q Those are all the questions I have for you on Exhibit 1.
19	procedure within the department to make sure that	19	(Discussion off the record)
20	I'm understanding where overtime is occurring,	20	Q In a large scale sense, what does Aurora do?
21	those sorts of things?	21	A Aurora provides health care delivery in a number
22	Q Those are two good areas. I'm interested in both.	22	of different formats, ways to the population of
23	On a macro level, let's start there.	23	basically eastern Wisconsin and southern Illinois.
24	A And the question was whether I set the policy?	24	Q Did you say southern Illinois?
25	O Correct.	25	A I mean, northern Illinois. Thank you.
	Page 23		Page 25
1	A No, I don't set the policy on a macro level in	1	Q That was my next question. Aurora operates in
2	terms of how officers record their time to make	2	Wisconsin and Illinois; any other states?
3	sure that they're paid appropriately. That would	3	A No.
4	be elsewhere.	4	Q If you know the answer to this question, as I
5	Q And when you say elsewhere, that would be what	5	understand it, Aurora has a couple of different
6	department?	6	corporate names that it operates under. Do you
7	A Again, policies would probably be set between	7	work for one particular corporate Aurora? That's
8	payroll and human resources ultimately to make	8	a poor way to say that. What's the precise name
9	sure it's compliant with the law.	9	of the company that you work for?
10	Q Then you mentioned a second area, which was beyond	10	A I think it's just Aurora Health Care.
11	the macro level?	11	Q And that's Aurora Health Care, Incorporated?
12	A Sure. It would be my responsibility or I have	12	A Yes, Inc.
13	opportunity to put in additional, for lack of a	13	Q Do you know of any other Aurora Health Care
14	better term, controls or request reports that I	14	corporate names or identities that it does
15	can see where overtime is being used, and that	15	business as?
16	people are accurately signing and getting paid for	16	A You're talking about our organization?
17	the hours they're working, and that would control	17	Q Or outside of your organization.
18	the budget that I'm responsible for.	18	A So I don't know if you're referring to like the
19	Q And that function has things to do with your	19	for-profits part ventures, or the business entity
20	managerial role in terms of making sure you have	20	that we have with BayCare, which is co-owned with
21	proper staffing levels and nobody is working too	21	physicians, if that's what you're referring to.
22	many hours of overtime, and things like that?	22	Q That's helpful. I think maybe I'll come back to
23	A Correct.	23	some of these questions with another witness.
24	Q Then the last topic area that we mentioned was	24	A Sure.
25	topic area number 1, which is Aurora's	25	Q In your role with security, how many Aurora

7 (Pages 22 to 25)

	Page 26		Page 28
1		1	
1	facilities are you responsible for managing the	1	in lives in, resides in.
2	security of?	2	Q Go ahead.
3	A Well, on one hand, I'm responsible for the	3	A The clinic that we provide minimal hours to is in
4	security at all of them. We don't staff security	4	Sheboygan. It's the main clinic in Sheboygan.
5	staff at all of them, however. So we have	5	Q What city is Summit in?
6	security staff based at all of our 24-hour medical	6	A I believe it's in Summit.
7	centers. In one clinic, we have some security	7	Q Approximately where in Wisconsin is Summit?
8	staff part-time, our largest clinic in Sheboygan.	8	A It's just off I-94 going west towards Madison,
9	Those are the sites that we have in some of our	9	probably about 15 miles from Milwaukee.
10	corporate buildings. What we call the corporate	10	MR. SCULLEN: You can see it on
11	campus near St. Louis is provided directly by our	11	your way home.
12	St. Luke's staff. Technically, I have	12	Q So the list that I have then for the 24-hour
13	responsibility for assisting security at all of	13	locations is 13; is that correct?
14	our sites. We just don't necessarily have staff	14	A That's what we just said. Did I miss any? I
15	at all of our sites.	15	think it's more than that. I think it's 15.
16	Q Understood. What are the locations, let's start	16	Q Could you give me the number? How many 24-hour
17	with the 24-hour locations, where Aurora provides	17	facilities does Aurora provide security for?
18	security services?	18	MR. SCULLEN: Why don't you list
19	A Name them?	19	them. I think he has testified on the record
20	Q Yes, please.	20	14.
21	A Our newest south market hospital is Summit.	21	A When I said 15, maybe I was thinking of the
22	We have Lakeland Medical Center. We have	22	clinic.
23	Burlington Hospital, medical center. We have	23	Q Then in addition to these 14 locations that you've
24	Kenosha. In the mid market, we have St. Luke's,	24	identified, there's also the Sheboygan clinic. Is
25	Aurora/St. Luke's Medical Center and St. Luke's	25	that one of the 24-hour facilities, or is that
2.5		23	·
	Page 27		Page 29
1	South Shore.	1	something different?
2	Q What's the difference between those two locations?	2	A No. We just have security staff there a minimal
3	A I believe that they're the same entity from a	3	amount of hours in the evening, Monday through
4	management standpoint, but they're just at two	4	Friday. I think four hours in the evening I think
5	physical different locations.	5	is how we're staffing it.
6	Q And when you say St. Luke's, is that the	6	O V
7	C4 I11 2741- C449		Q You said something about the corporate offices,
7	St. Luke's on 27th Street?	7	that there's some security at those?
8	A It is.	7 8	
			that there's some security at those?
8	A It is.	8	that there's some security at those?  A The security at what we call the corporate campus,
8 9	A It is. Q And then the St. Luke's South Shore is where?	8	that there's some security at those?  A The security at what we call the corporate campus, is the Ohio building in Forest Home, are serviced
8 9 10	<ul><li>A It is.</li><li>Q And then the St. Luke's South Shore is where?</li><li>A In Cudahy. Aurora Sinai Medical Center, our</li></ul>	8 9 10	that there's some security at those?  A The security at what we call the corporate campus, is the Ohio building in Forest Home, are serviced by the St. Luke's staff because there's they're
8 9 10 11	<ul> <li>A It is.</li> <li>Q And then the St. Luke's South Shore is where?</li> <li>A In Cudahy. Aurora Sinai Medical Center, our medical center in West Allis, in Hartford, our facilities at Aurora Psychiatric Hospital and the</li> </ul>	8 9 10 11	that there's some security at those?  A The security at what we call the corporate campus, is the Ohio building in Forest Home, are serviced by the St. Luke's staff because there's they're just a block or so north of there. Then the other
8 9 10 11 12	<ul> <li>A It is.</li> <li>Q And then the St. Luke's South Shore is where?</li> <li>A In Cudahy. Aurora Sinai Medical Center, our medical center in West Allis, in Hartford, our</li> </ul>	8 9 10 11 12	that there's some security at those?  A The security at what we call the corporate campus, is the Ohio building in Forest Home, are serviced by the St. Luke's staff because there's they're just a block or so north of there. Then the other place that we do have some security coverage is our family services offices on Highland Avenue.
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8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>A It is.</li> <li>Q And then the St. Luke's South Shore is where?</li> <li>A In Cudahy. Aurora Sinai Medical Center, our medical center in West Allis, in Hartford, our facilities at Aurora Psychiatric Hospital and the Zilber Hospice, which are on the same grounds.</li> <li>Q And where is that?</li> <li>A That's in Wauwatosa.</li> <li>Q So there's a psychiatric facility and the Zilber Hospice?</li> <li>A Zilber, Z-i-l-b-e-r.</li> <li>Q And both of those are in West Allis?</li> <li>A Wauwatosa. I said Hartford. Moving up, the new hospital that just opened in Grafton. We have Oshkosh, Sheboygan, Manitowoc, and BayCare in</li> </ul>	8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	that there's some security at those?  A The security at what we call the corporate campus, is the Ohio building in Forest Home, are serviced by the St. Luke's staff because there's they're just a block or so north of there. Then the other place that we do have some security coverage is our family services offices on Highland Avenue. We have a security officer there now that's relatively new. It's not 24-hour, though.  Q Are there abbreviations for all of these facilities?  A Yes.  Q Is there a document that lists all of the facilities that Aurora provides security for and with the abbreviations for each of those locations?

8 (Pages 26 to 29)

	Page 30		Page 32
1	A It would probably be on our website, I would	1	MR. PARSONS: That's fair enough.
1 2	think. It certainly would be within our internal	2	Q I'm just trying to be clear. Let me break it up.
3	documents relative to our nomenclature for all of	3	Have you seen a document that lists all of the
4	these sites.	4	Aurora locations where Aurora provides security
5	Q As far as internal documents because I'm doubting	5	services?
6	that there would be abbreviations on the website,	6	A Not specifically that way other than my org chart,
7	what type of a document would that be?	7	which doesn't necessarily have the names of the
8	A It would be an organizational chart because that	8	sites on it, but like this document just has the
9	was the first one that comes to mind. Most of	9	responsibilities by area, and I could identify by
10	them start with Aurora Medical Center, AMC, and	10	name which sites.
11	then the location in some way, shape, or form.	11	Q When you say my org chart, what are you talking
12	(Exhibit No. 2 marked for	12	about.
13	identification)	13	A I'm talking about the organizational chart that
14	Q I've showed you what has been marked as Exhibit	14	reflects the loss prevention services department.
15	No. 2. At the bottom, it's labeled with a bates	15	Q And so that is something different than Exhibit 2;
16	stamp number AUR-JB 19, 20, 21, 22, 23, and 24; do	16	is that right?
17	you see that?	17	A Yes. I have one just for my own purposes that
18	A Yes.	18	goes maybe a little deeper just so it's not
19	Q Do you know what these documents are?	19	necessarily numbered, but it says officers below
20	A They are org charts of the first one is who I	20	it. So it's just laid out a little different.
21	report to, and the rest of them are org charts	21	It's no different in terms of the information.
22	related to parts of my department.	22	Q Thank you. That's what I wanted to know. Do you
23	Q Do any of these documents contain the	23	know how many security officers Aurora currently
24	abbreviations or the listing of locations that you	24	employs?
25	were referencing before?	25	A For 2010, I budget for 142 FTEs. Generally
	<u> </u>		are a second and a second a second and a second a second and a second a second and a second and a second and
	Page 31		Page 33
1	Page 31	1	Page 33
1	A They don't appear to.	1	speaking, we usually have approximately 20 more
2	A They don't appear to. Q Are you thinking of a different document when you	2	speaking, we usually have approximately 20 more actual bodies than FTEs because we have
2	<ul><li>A They don't appear to.</li><li>Q Are you thinking of a different document when you said perhaps the org charts would list the</li></ul>	2	speaking, we usually have approximately 20 more actual bodies than FTEs because we have part-timers and per diems. So for budgetary
2 3 4	A They don't appear to.  Q Are you thinking of a different document when you said perhaps the org charts would list the abbreviations and locations?	2 3 4	speaking, we usually have approximately 20 more actual bodies than FTEs because we have part-timers and per diems. So for budgetary purposes, I know my FTEs, and we split up those
2 3 4 5	<ul> <li>A They don't appear to.</li> <li>Q Are you thinking of a different document when you said perhaps the org charts would list the abbreviations and locations?</li> <li>A I was thinking of a system-wide org chart that had</li> </ul>	2 3 4 5	speaking, we usually have approximately 20 more actual bodies than FTEs because we have part-timers and per diems. So for budgetary purposes, I know my FTEs, and we split up those FTEs as needed on a site, and on a regional level,
2 3 4 5 6	<ul> <li>A They don't appear to.</li> <li>Q Are you thinking of a different document when you said perhaps the org charts would list the abbreviations and locations?</li> <li>A I was thinking of a system-wide org chart that had the names of the site administrators or that sort</li> </ul>	2 3 4 5 6	speaking, we usually have approximately 20 more actual bodies than FTEs because we have part-timers and per diems. So for budgetary purposes, I know my FTEs, and we split up those FTEs as needed on a site, and on a regional level, to fit the needs of the department in terms of
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9 (Pages 30 to 33)

how many officers, how many sergeants, and then how many supervisors.  A Sof of Burlington, I believe it's 8.4 FTEs, and of that 8.4, one would be a sergeant. Then we have a supervisor that is responsible for three hospitals in the south region. So if you want to call it a third of an FTE, it would be his responsibility.  Q What's that individual's name?  Q Van's that individual's name?  A Jim Sagan, James Sagan.  A Correct.  Q Sage question for the Lakeland facility?  A The answer would be the same, 8.4, inclusive of the sergeant, and then James Sagan also has supervisory responsibility.  Q Just so I understand your question, inclusive of the sergeant, it's 7.4 officers and then one sergeant?  A There is, and part of the supervisor?  A There is a supervisor specific to West Allis, and her name is Verrita Hill.  Page 35  Q And then the St. Luke's facility on 27th Street?  A My best guess, by guess I'm saying, except at allocation, I'm thinking 30s, 43, 35 FTEs, and that's also inclusive of three sergeants.  Q And then the St. Luke's South Shore facility?  A There is, and his name is John Dobrzynski. Q And then the St. Luke's South Shore from time to time, 9.4, inclusive of a sergeant, and ther part of the supervisor of wath facility?  A There is, and his name is John Dobrzynski also has supervisory responsibility for the supervisor of that facility?  A There is, and his name is John Dobrzynski also has supervisory responsibility for the supervisor of that facility?  A There is, and his name is John Dobrzynski also has supervisory responsibility for the supervisor of that site.  Q Same question for Hartford?  A There is, and his name is John Dobrzynski also has supervisory responsibility for the supervisor of the sergeant. The and the page and					
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2 how many supervisors. 3 A So for Burlington, I believe it's 8.4 FTEs, and of that 8.4, one would be a sergeant. Then we have a supervisor that is responsible for three hospitals in the south region. So if you want to call it a third of an FTE, it would be his responsibility. 9 A Jim Sagan, James Sagan. 9 A So for etc. 10 Q Sarg-an-? 11 A Correct. 12 Q Same question for the Lakeland facility? 13 A The answer would be the same, 8.4, inclusive of the sergeant, if 3.4 officers and then James Sagan also has supervisory responsibility. 16 Q Just so I understand your question, inclusive of the sergeant, if 3.4 officers and then one sergeant? 17 A There are greant, if 3.4 officers and then one sergeant? 18 A So inclusive of three sergeants. 19 A Correct. 10 Q Same question for West Allis? 21 A Thelieve West Allis is approximately 22 FTEs, inclusive of three sergeants. 22 Q And then the St. Luke's facility on 27th Street? 2 A My best guess by guess I'm saying, except at a budget time, that's when you look at the exact a allocation, I'm thinking 30s, 34, 35 FTEs, and that's also inclusive of a sergeant, and 1 the between Luke's South Shore fracility? 2 A There is, and his name is John Dobrzynski. 3 A There is a supervisor of rath affacility? 4 A There is a supervisor of rath facility? 5 A My best guess by guess I'm saying, except at a budget time, that's when you look at the exact allocation, I'm thinking 30s, 34, 35 FTEs, and that's also inclusive of a sergeant, and 1 borbzynski. 4 Q And then the St. Luke's South Shore from time to time, 9-4, inclusive of a sergeant, and 1 borbzynski. 4 Q And then the St. Luke's South Shore from time to time, 9-4, inclusive of a sergeant, and 1 borbzynski. 5 Q And then the St. Luke's South Shore fracility? 6 A Partor of words and supervisor? 7 A There is, and his name is John Dobrzynski. 9 A Partor of the sergeant and 1 branchist of the supervisor of the sergeant and 1 branchist of the supervisor of the supervisor is not supervisor is not supervisor is of the supervisor is that superv	1	how many officers, how many sergeants, and then	1	A	8.4, sergeant is Duane Hanson.
that \$4.4, one would be a sergeant. Then we have a supervisor that is responsible for three hospitals in the south region. So if you want to call it a third of an FTE, it would be his responsibility.  8 Q What's that individual's name?  9 A Jim Sagan, James Sagan.  10 Q Sa-g-a-n?  11 A Correct.  12 Q Same question for the Lakeland facility?  13 A The answer would be the same, 8.4, inclusive of the sergeant, and then James Sagan also has supervisory responsibility.  14 Q Just so I understand your question, inclusive of the sergeant, its? 7.4 officers and then one sergeant?  15 A I believe West Allis is approximately 22 FTEs, inclusive of three sergeants.  16 Q And then the St. Luke's facility on 27th Street?  17 A Ves.  18 A Wy best guess. by guess I'm saying, except at allocation, I'm thinking 30s, 34, 35 FTEs, and that's also inclusive of a sergeant, and then the St. Luke's facility on 27th Street?  18 Q And then the St. Luke's facility on 27th Street?  29 A There is, and his name is John Dobrzynski.  20 Q Same question for Hartford?  30 A Jame supervisor for that facility?  41 A There is, and his name is John Dobrzynski.  42 Q Same question for Hartford?  43 A There is, and his name is John Dobrzynski.  44 Q And that sort of descriptive way is the way you've been describing if!  45 A There is, and his name is John Dobrzynski.  46 Q And then the St. Luke's South Shore from time to time, 9.4, inclusive of a sergeant, and that's also inclusive of a sergeant, and then the St. Luke's South Shore from time to time, 9.4, inclusive of a sergeant, and then the St. Luke's South Shore from time to time, 9.4, inclusive of a sergeant, and then the St. three sergeants.  47 Q And then the St. Luke's South Shore from time to time, 9.4, inclusive of a sergeant, and the supervisor of that facility?  48 A Approximately 30, and that would be inclusive of three sergeants.  49 Q And then the St. Luke's South Shore from time to time, 9.4, inclusive of a sergeant, and the supervisor is william Juedes.  49 Q Free Standard Standard St	2		2		
5 supervisor that is responsible for three hospitals 6 in the south region. So if you want to call it a 7 third of an FTE, it would be his responsibility. 8 Q What's that individual's name? 9 A Jim Sugan, James Sagan. 10 Q S-a-g-a-n? 11 Q Same question for the Lakeland facility? 12 Q Same question for the Lakeland facility? 13 A The answer would be the same, 8.4, inclusive of the sergeant, and then James Sagan also has supervisory responsibility, inclusive of the sergeant; lifs 7.4 officers and then one sergeant? 15 Q Just so I understand your question, inclusive of the sergeant; lifs 7.4 officers and then one sergeant? 16 Q Los and question for West Allis? 17 A There is a supervisor for is there a supervisor? 18 Q And then the St. Luke's facility on 27th Street? 29 A My best guess, by guess I'm saying, except at budget time, that's when you look at the exact allocation, I'm thinking 30s, 34, 35 FTEs, and that's also inclusive of three sergeants. 18 Q And then the St. Luke's South Shore facility? 29 A Part of the supervisor for that facility? 30 A 9.4, I believe. We do switch people back and for between Luke's and South Shore facility? 31 C Possed time, that's also has supervisor y responsibility for that site. 32 Q And then the St. Luke's South Shore facility? 33 A There is, and his name is John Dobrzynski. 34 Q And then the St. Luke's South Shore facility? 35 A There is, and bin same is John Dobrzynski also has supervisor y responsibility for that site. 36 Q And then the St. Luke's South Shore facility? 37 A There is, and this mare is very intensity of describing it? 38 A 9.4, I believe. We do switch people back and form the supervisor is william Juedes. 39 Q And then the St. Luke's South Shore from time to time, 9.4, inclusive of a sergeant, and the supervisor is william Juedes. 40 Q And then the St. Luke's south Shore from time to time, 9.4, inclusive of one sergeant. 41 Q Same question for Here the same time, it's total? 42 Q And the way the supervisor is one describing and provide saying 4.2; the then.	3	A So for Burlington, I believe it's 8.4 FTEs, and of	3		
5 supervisor that is responsible for three hospitals 6 in the south region. So if you want to call it a 7 third of an FTE, it would be his responsibility. 8 Q What's that individual's name? 9 A Jim Sugan, James Sagan. 10 Q S-a-g-a-n? 11 Q Same question for the Lakeland facility? 12 Q Same question for the Lakeland facility? 13 A The answer would be the same, 8.4, inclusive of the sergeant, and then James Sagan also has supervisory responsibility, inclusive of the sergeant; lifs 7.4 officers and then one sergeant? 15 Q Just so I understand your question, inclusive of the sergeant; lifs 7.4 officers and then one sergeant? 16 Q Los and question for West Allis? 17 A There is a supervisor for is there a supervisor? 18 Q And then the St. Luke's facility on 27th Street? 29 A My best guess, by guess I'm saying, except at budget time, that's when you look at the exact allocation, I'm thinking 30s, 34, 35 FTEs, and that's also inclusive of three sergeants. 18 Q And then the St. Luke's South Shore facility? 29 A Part of the supervisor for that facility? 30 A 9.4, I believe. We do switch people back and for between Luke's and South Shore facility? 31 C Possed time, that's also has supervisor y responsibility for that site. 32 Q And then the St. Luke's South Shore facility? 33 A There is, and his name is John Dobrzynski. 34 Q And then the St. Luke's South Shore facility? 35 A There is, and bin same is John Dobrzynski also has supervisor y responsibility for that site. 36 Q And then the St. Luke's South Shore facility? 37 A There is, and this mare is very intensity of describing it? 38 A 9.4, I believe. We do switch people back and form the supervisor is william Juedes. 39 Q And then the St. Luke's South Shore from time to time, 9.4, inclusive of a sergeant, and the supervisor is william Juedes. 40 Q And then the St. Luke's south Shore from time to time, 9.4, inclusive of one sergeant. 41 Q Same question for Here the same time, it's total? 42 Q And the way the supervisor is one describing and provide saying 4.2; the then.	4	that 8.4, one would be a sergeant. Then we have a	4		that site. The manager for the south market is
third of an FTE, it would be his responsibility.  Q What's that individual's name?  A Jim Sagan, James Sagan.  O S-a-g-a-n?  O Same question for the Lakeland facility?  A There is a supervisor yesponsibility.  A There is a supervisor specific to West Allis, and bername is Verirta Hill.  Page 35  Q And then the St. Luke's facility on 27th Street? A My best guess, by guess I'm saying, except at budget time, that's when you look at the exact allocation, I'm thinking 30s, 34, 35 FTEs, and that salos inclusive of three sergeants. Q And then the St. Luke's South Shore facility? A There is, and his ame is John Dobrzynski, as loo Inclusive of the responsibility for that site.  A 9, 4, 1 believe. We do switch people back and for between Luke's and South Shore fracility? A 1 Potentian of the supervisor of the street, sand this ame is John Dobrzynski slos has supervisor of the street, sand this also has supervisor of the supervisor of the street, sand this also has supervisor of the supervisor of the street, sand this make is John Dobrzynski as loo inclusive of three sergeants. A 1 Q And then the St. Luke's South Shore fracility? A 7 A There is, and his ame is John Dobrzynski slos has supervisor of the supervi	5		5		officed out of there. He has kind of a dual role,
8 Q What's that individual's name? 9 A Jim Sagan, James Sagan. 10 Q S-a-g-a-n? 11 A Correct. 12 Q Same question for the Lakeland facility? 13 A The answer would be the same, 8.4, inclusive of 14 the sergeant, and then James Sagan also has 15 supervisory responsibility. 16 Q Just so I understand your question, inclusive of 16 the sergeant, it's 7.4 officers and then one 18 sergeant, it's 7.4 officer and in the one 19 sergeant, it's 7.4 officer and in the one 19 sergeant, it's 7.4 officer and in the one 19 sergeant, it's 7.4 officer and in the one 19 sergeant, it's 7.4 officer and in the one 19 sergeant, it's 7.4 officer and then one 19 sergeant, it's 7.4 officer and in the one 19 sergeant, it's 7.4 officer and in the one 19 sergeant, it's 7.4 officer and in the one 19 sergeant, it's 7.4 officer and in the one 19 sergeant, it's 7.4 officer and in the one 19 sergeant, it's 7.4 officer and in the one 19 sergeant, it's 7.4 officer and in the one 19 sergeant, it's 7.4 officer and in the one 19 sergeant, it's 7.4 officer and in the one 19 sergeant, it's 7.4 officer and in the one 19 sergeant, it's 7.4 officer and in the same grounds and it in the same grounds but a different set of buildings, we have one person seven by 24.  9 A That would be a.4, inclusive of one sergeant.  10 Q And then the St. Luke's South Shore from time to time, 9.4, inclusive of hard facility?  11 A Derec sergeants, 19 sergeant, 19 sergeant, 19 sergeant, 19 sergeant, 19 sergeant, 19 s	6	in the south region. So if you want to call it a	6		and his name is Clint Schaefer. And I would like
9 Å Jim Sagan, James Sagan. 10 Q S-a-g-a-n? 11 A Correct. 12 Q Same question for the Lakeland facility? 13 A The answer would be the same, 8.4, inclusive of the sergeant, and then James Sagan also has supervisory responsibility. 16 Q Just so I understand your question, inclusive of the sergeant, it's 7.4 officers and then one segeant? 17 the sergeant, it's 7.4 officers and then one segeant? 18 segeant? 19 A Correct. 20 Q Same question for West Allis? 21 A I believe West Allis is approximately 22 FTEs, inclusive of three sergeants. 22 Q And the supervisor for is there a supervisor? 23 Q And the supervisor for is there a supervisor? 24 A There is a supervisor specific to West Allis, and her name is Verrita Hill. 25 Page 35  1 Q And then the St. Luke's facility on 27th Street? 2 A My best guess, by guess I'm saying, except at budget time, that's when you look at the exact allocation, I'm thinking 30s, 34, 35 FTEs, and that's also inclusive of three sergeants. 4 Q And then the St. Luke's South Shore from time to time, 64, inclusive of a sergeant, and forth between Luke's and South Shore from time to time, 9.4, inclusive of a sergeant, and forth between Luke's and South Shore from time to time, 9.4, inclusive of a sergeant, and forth between Luke's and South Shore from time to time, 9.4, inclusive of a sergeant, and forth between Luke's and South Shore from time to time, 9.4, inclusive of a sergeant, and forth between Luke's and South Shore from time to time, 9.4, inclusive of a sergeant, and forth between Luke's and South Shore from time to time, 9.4, inclusive of a sergeant, and forth between Luke's and South Shore from time to time, 9.4, inclusive of a sergeant, and forth between Luke's and South Shore from time to time, 9.4, inclusive of a sergeant, and forth between Luke's and South Shore from time to time, 9.4, inclusive of a sergeant, and forth between Luke's and South Shore from time to time, 9.4, inclusive of a sergeant and subget time, that was summit, and then the psych and the woll be subscially se	7	third of an FTE, it would be his responsibility.	7		to correct something. I misspoke. Both Elkhorn,
10 Q Sa-g-à-n? 11 A Correct. 12 Q Same question for the Lakeland facility? 13 A The answer would be the same, 8.4, inclusive of 1 the sergeant, and then James Sagan also has supervisory responsibility. 15 Q Just so I understand your question, inclusive of 1 the sergeant, if \$7.4 officers and then one sergeant? 18 sergeant, if \$7.4 officers and then one sergeant? 19 A Correct. 10 Q Same question for West Allis? 20 Q Same question for West Allis? 21 A I believe West Allis is approximately 22 FTEs, inclusive of three sergeants. 22 A There is a supervisor specific to West Allis, and her name is Verrita Hill. 23 Q And then the St. Luke's facility on 27th Street? 24 A There is a supervisor for the sergeants. 25 Q And then the St. Luke's South Shore facility? 26 A Hartford would be 8.4, There is no sergeant. 27 Q For the Simai facility? 28 A That would be 8.4, inclusive of one sergeant. 29 Q And the Smap supervisor? 20 Q And the supervisor apecific to west Allis, and her name is Verrita Hill. 29 Don bobrzynski. 30 Q And then the St. Luke's South Shore facility? 31 A Defice we do switch people back and forth between Luke's and South Shore from time to time, 9.4, inclusive of a sergeant, and 10 Gorth between Luke's and South Shore from time to time, 9.4, inclusive of a sergeant, and 10 Gorth between Luke's and South Shore from time to time, 9.4, inclusive of a sergeant, and 10 Gorth between Luke's and South Shore from time to time, 9.4, inclusive of a sergeant. 10 Gorth between Luke's and South Shore from time to time, 9.4, inclusive of a sergeant and 10 Gorth between Luke's and South Shore from time to time, 9.4, inclusive of one sergeant. 11 Gorth between Luke's and South Shore from time to time, 9.4, inclusive of one sergeant. 12 Gorth between Luke's and South Shore from time to time, 9.4, inclusive of one sergeant. 12 Gorth between Luke's and South Shore from time to time, 9.4, inclusive of one sergeant. 12 Gorth between Luke's and South Shore from time to time, 9.4, inclusive of a sergeant and 12 Gorth between Luke		Q What's that individual's name?	8		and yeah, Lakeland and Burlington, that would be
11 A Correct. 22 Q Same question for the Lakeland facility? 13 A The answer would be the same, 8.4, inclusive of the sergeant, and then James Sagan also has supervisory responsibility. 15 Q Just so I understand your question, inclusive of the sergeant, it's 7.4 officers and then one sergeant? 16 Q Just so I understand your question, inclusive of the sergeant, it's 7.4 officers and then one sergeant? 17 A Correct. 18 Q And Same question for West Allis? 19 A Correct. 20 Q Same question for West Allis? 21 A I believe West Allis is approximately 22 FTEs, inclusive of three sergeants. 22 Q And then the St. Luke's facility on 27th Street? 23 A My best guess, by guess I'm saying, except at allocation, I'm thinking 30s, 34, 35 FTEs, and that's also inclusive of three sergeants. 24 A There is, and his name is John Dobrzynski. 25 Q And then the St. Luke's South Shore facility? 26 A There is, and his name is John Dobrzynski also has supervisor or that facility? 27 A The answer would be inclusive of three sergeant, and 10 forth between Luke's and South Shore from time to time, 9,4, inclusive of a sergeant, and 10 forth between Luke's and South Shore from time to time, 9,4, inclusive of a sergeant, and 10 forth between Luke's and South Shore from time to time, 9,4, inclusive of a sergeant, and 10 forth between Luke's and South Shore from time to time, 9,4, inclusive of a sergeant, and 10 forth between Luke's and South Shore from time to time, 9,4, inclusive of a sergeant, and 10 forth between Luke's and South Shore from time to time, 9,4, inclusive of a sergeant, and 10 forth between Like's and South Shore from time to time, 9,4, inclusive of a sergeant, and 10 forth between Luke's and South Shore facility? 28 A Hartford would be 8.4. There is no sergeant. The supervisor is William Juedes. 29 Q For the Sinai facility? 20 A That would be James Sagan. 20 And the supervisor? 21 A That would be James Sagan. 21 Canyou describe it to me the easiest way? 22 A That would be James Sagan. 23 Q And the supervisor? 24 A That would be J		A Jim Sagan, James Sagan.	9		4.2, not 8.4. We only have one officer there
12 Q Same question for the Lakeland facility?  A The answer would be the same, 8.4, inclusive of the sergeant, and then James Sagan also has supervisory responsibility. Q Just so I understand your question, inclusive of the sergeant, it's 7.4 officers and then one sergeant? A Correct. D Q Same question for West Allis? A I believe West Allis is approximately 22 FTEs, inclusive of three sergeants. A I believe West Allis is approximately 22 FTEs, a inclusive of three sergeants. A I believe West Allis is approximately 22 FTEs, believe West Allis is approximately 22 FTEs, a inclusive of three sergeants. A There is a supervisor specific to West Allis, and ber name is Verrita Hill.  Page 35  Q And then the St. Luke's facility on 27th Street? A My best guess, by guess I'm saying, except at budget time, that's when you look at the exact allocation, I'm thinking 30s, 34, 35 FTEs, and that's also inclusive of three sergeants. Q And then the St. Luke's South Shore facility? A There is, and his name is John Dobrzynski. Q And then the St. Luke's and South Shore from time to time, 9.4, inclusive of a sergeant, and Dohn Dobrzynski also has supervisory responsibility for that site. Q Same question for Hartford? A Hartford would be 8.4. There is no sergeant. A Correct. Q For the Sinai facility? A Approximately 30, and that would be inclusive of three sergeants, and the supervisor is C And the kensoha facility? A Approximately 30, and that would be inclusive of three sergeants, and the supervisor is Arthur Smith. Q And the supervisor? A That would be 8.4, inclusive of one sergeant. A Correct. A Cor			10		
A The answer would be the same, 8.4, inclusive of the sergeant, and then James Sagan also has supervisory responsibility.  Q Just so I understand your question, inclusive of the sergeant, it's 7.4 officers and then one sergeant?  A Correct.  A Correct.  A I believe West Allis is approximately 22 FTEs, inclusive of three sergeants.  Q And the supervisor for is there a supervisor?  A There is a supervisor specific to West Allis, and her name is Verrita Hill.  Page 35  Q And then the St. Luke's facility on 27th Street?  A My best guess, by guess I'm saying, except at allocation, I'm thinking 30s, 34, 35 FTEs, and that's also inclusive of three sergeants.  Q And is there a supervisor for that facility? A There is, and his name is John Dobrzynski. Q And then the St. Luke's South Shore facility? A Fire is, and his name is John Dobrzynski. Q And then the St. Luke's and South Shore facility? A Hartford would be 8.4. There is no sergeant. A Hartford would be 8.4. There is no sergeant. A Approximately 30, and that would be inclusive of three sergeants, and the supervisor? A That would be 8.4, inclusive of one sergeant. A That would be James Sagan.					
the sergeant, and then James Sagan also has supervisory responsibility.  5					· ·
supervisory responsibility.  Q Just so I understand your question, inclusive of the sergeant; it's 7.4 officers and then one sergeant?  A Correct.  Q Same question for West Allis?  A I believe West Allis is approximately 22 FTEs, inclusive of three sergeants.  A There is a supervisor specific to West Allis, and her name is Verrita Hill.  Page 35  Q And then the St. Luke's facility on 27th Street?  A My best guess, by guess I'm saying, except at budget time, that's when you look at the exact all cation. I'm thinking 30s, 34, 35 FTEs, and that's also inclusive of three sergeants.  Q And is there a supervisor for that facility?  A There is, and his name is John Dobrzynski. Q And then the St. Luke's South Shore facility? A 9.4, I believe. We do switch people back and forth between Luke's and South Shore from time to time, 9.4, inclusive of a sergeant, and John Dobrzynski also has supervisory responsibility for that site.  Q Same question for Hartford?  A There is a supervisor for — is there a supervisor?  A My best guess, by guess I'm saying, except at all all the state all times during the 24-hour period, there is one officer?  A Correct.  Q And that sort of descriptive way is the way you've been describing all of these facilities?  A Correct.  Q And that was Summit, and then the psych and Zilber, does it make sense to put those two together in terms of describing it?  A Yes.  Q And that sort of descriptive way is the way you've been describing all of these facilities?  A Correct.  Q And that was Summit, and then the psych and Zilber, does it make sense to put those two together in terms of describing it?  A Yes.  Q And that sort of descriptive way is the way you've been describing all of these facilities?  A Correct.  Q And that was I submit a during the 24-hour period, there is one officer?  A Correct.  Q And that sort of descriptive way is the way you've been describing all of these facilities?  A Correct.  Q And that was last in the submit and then the psych air does it make sense to put those two together in					
16 Q Just so I understand your question, inclusive of the sergeant, it's 7.4 officers and then one sergeant? 18 sergeant, it's 7.4 officers and then one sergeant? 19 A Correct. 20 Q Same question for West Allis? 21 A I believe West Allis is approximately 22 FTEs, inclusive of three sergeants. 22 q And the supervisor for – is there a supervisor? 23 Q And the supervisor specific to West Allis, and her name is Verrita Hill. 24 A There is a supervisor specific to West Allis, and her name is Verrita Hill. 25 Page 35  1 Q And then the St. Luke's facility on 27th Street? 2 A My best guess, by guess I'm saying, except at budget time, that's when you look at the exact allocation, I'm thinking 30s, 34, 35 FTEs, and that's also inclusive of three sergeants. 4 Q And is there a supervisor for that facility? 5 A There is, and his name is John Dobrzynski. 6 Q And then the St. Luke's South Shore facility? 7 A There is, and his name is John Dobrzynski. 8 Q And then the St. Luke's South Shore facility? 9 A 9.4, I believe. We do switch people back and forth between Luke's and South Shore from time to time, 9.4, inclusive of a sergeant, and 10 John Dobrzynski also has supervisory responsibility for that site. 10 Q Same question for Hartford? 11 Q Same question for Hartford? 12 Q And the would be 8.4. There is no sergeant. The supervisor is William Juedes. 12 Q And the Kenosha facility? 13 A Approximately 30, and that would be inclusive of three sergeants, and the supervisor is Arthur Smith. 14 Q And the Kenosha facility? 15 A That would be 8.4. inclusive of one sergeant. 16 Q And the kenosha facility? 17 A That would be James Sagan. 18 Q When you're saying 4.2, that means at all times during the 24-hour period, there is one officer? 14 C Correct. 19 A Total.  10 Q And that's 4.2? It's not 4.2 people at the same time, it's total? 24 A Total. 25 A Correct. 26 Q And that sort of descriptive way is the way you've been describing all of these facilities? 26 A Correct. 27 Q So that was Summit, and then the psych and Zilber, does it make					
the sergeant, it's 7.4 officers and then one sergeant?  A Correct.  Q Same question for West Allis? A I believe West Allis is approximately 22 FTEs, inclusive of three sergeants. Q And the supervisor for — is there a supervisor? A There is a supervisor specific to West Allis, and ber name is Verrita Hill.  Page 35  Q And then the St. Luke's facility on 27th Street? A My best guess, by guess I'm saying, except at allocation, I'm thinking 30s, 34, 35 FTEs, and that's also inclusive of three sergeants. Q And at is there a supervisor for that facility? A There is, and his name is John Dobrzynski. Q And then the St. Luke's South Shore facility? A Pad, I believe. We do switch people back and forth between Luke's and South Shore from time to time, 9.4, inclusive of a sergeant, and Arthur Smith. Q Same question for Hartford? Q Same question for Hartford? A Approximately 30, and that would be inclusive of three sergeants, and the supervisor is William Juedes. Q For the Sinai facility? A Approximately 30, and that would be inclusive of three sergeants, and the supervisor is Arthur Smith. Q And the Kenosha facility? A That would be 8.4, inclusive of one sergeant. A That would be James Sagan.  A Yes.  A Yes.  A Yes.  A Yes.  A When you're saying 4.2; that means at all times during the 24-hour period, there is one officer?  A Correct. Q And that's 4.2? It's not 4.2 people at the same time, it's total?  A Total.  Page 37  Q And that sort of descriptive way is the way you've been describing all of these facilities?  A Correct. Q So that was Summit, and then the psych and Zilber, does it make sense to put those two together in terms of describing it?  A Yes, it does. Staffing is a little different. We don't have first shift staff on Zilber dedicated to time, 9.4, inclusive of a sergeant. The supervisor is William Juedes.  Q Same question for Hartford? A Approximately 30, and that would be inclusive of three sergeants, and the supervisor is William Juedes.  Q For the Sinai facility? A Approximately 30, and that would be inclusi					
18 sergeant? 19 A Correct. 19 Q Same question for West Allis? 20 Q Same question for West Allis is approximately 22 FTEs, inclusive of three sergeants. 21 Q And the supervisor for is there a supervisor? 22 A There is a supervisor specific to West Allis, and her name is Verrita Hill. 23 Page 35  1 Q And then the St. Luke's facility on 27th Street? 2 A My best guess, by guess I'm saying, except at budget time, that's when you look at the exact allocation, I'm thinking 30s, 34, 35 FTEs, and that's also inclusive of three sergeants. 2 Q And then the St. Luke's South Shore facility? 3 A 7. There is, and his name is John Dobrzynski. 4 Q And then the St. Luke's South Shore facility? 5 A 9.4, I believe. We do switch people back and forth between Luke's and South Shore facility? 6 A 9.4, I believe. We do switch people back and forth between Luke's and South Shore facility? 7 A Hartford would be 8.4. There is no sergeant. The supervisor is William Juedes. 7 Q For the Sinai facility? 8 A Approximately 30, and that would be inclusive of three sergeants, and the supervisor is Arthur Smith. 9 Q And the supervisor? 10 Q For the Sinai facility? 11 Q And the Kenosha facility? 12 Q And that supervisor on the same time, it's total? 13 A Correct. 14 Q And that sort of descriptive way is the way you've been describing all of these facilities? 14 A Correct. 15 Q And that sort of descriptive way is the way you've been describing all of these facilities? 15 A Correct. 16 Q And that sort of descriptive way is the way you've been describing all of these facilities? 16 A Total. 17 Q So that was Summit, and then the psych and Zilber, does it make sense to put those two together in terms of describing it? 18 A Yes, it does. Staffing is a little different. We don't have first shift staff on Zilber dedicated to that particular building, but they're supported by the Aurora psychiatric security staff, which is on the grounds. So it's a little different model. 19 Q Can you describe it to me the easiest way? 20 Q Can you describe it to me the					
19 A Correct. 20 Q Same question for West Allis? 21 A I believe West Allis is approximately 22 FTEs, inclusive of three sergeants. 22 Q And the supervisor for is there a supervisor? 23 A There is a supervisor pecific to West Allis, and ber name is Verrita Hill.  Page 35  1 Q And then the St. Luke's facility on 27th Street? 2 A My best guess, by guess I'm saying, except at budget time, that's when you look at the exact all docation, I'm thinking 30s, 34, 35 FTEs, and that's also inclusive of three sergeants. 4 Q And is there a supervisor for that facility? 5 A There is, and his name is John Dobrzynski. 6 Q And then the St. Luke's South Shore facility? 6 A 9.4, I believe. We do switch people back and forth between Luke's and South Shore from time to time, 9.4, inclusive of a sergeant, and forth between Luke's and South Shore from time to time, 9.4, inclusive of a sergeant, and 12 John Dobrzynski also has supervisory responsibility for that site. 10 Q Same question for Hartford? 11 Q Same question for Hartford? 12 Q For the Sinai facility? 13 A Approximately 30, and that would be inclusive of three sergeants, and the supervisor is Arthur Smith. 21 Q And the Kenosha facility? 22 A That would be 8.4, inclusive of one sergeant. 23 Q And the supervisor? 24 A That would be James Sagan. 25 When you're saying 4.2, that means at all times during the 24-hour period, there is one officer? 26 A Correct. 27 Q And that's 4.2? It's not 4.2 people at the same time, it's total? 28 A Correct. 29 Q And that sort of descriptive way is the way you've been describing all of these facilities? 3 A Correct. 3 Q And that sort of descriptive way is the way you've been describing all of these facilities? 4 C Correct. 4 Q So that was Summit, and then the psych and Zilber, does it make sense to put those two together in terms of describing it? 4 A Yes, it does. Staffing is a little different. We don't have first shift staff on Zilber dedicated to that particular building, but they're supported by the Aurora psychiatric security staff, whic					
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25 Q The Summit facility?   25 Jeff Nicols, N-1-c-o-l-s. And the supervisor	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	<ul> <li>Q And then the St. Luke's facility on 27th Street?</li> <li>A My best guess, by guess I'm saying, except at budget time, that's when you look at the exact allocation, I'm thinking 30s, 34, 35 FTEs, and that's also inclusive of three sergeants.</li> <li>Q And is there a supervisor for that facility?</li> <li>A There is, and his name is John Dobrzynski.</li> <li>Q And then the St. Luke's South Shore facility?</li> <li>A 9.4, I believe. We do switch people back and forth between Luke's and South Shore from time to time, 9.4, inclusive of a sergeant, and John Dobrzynski also has supervisory responsibility for that site.</li> <li>Q Same question for Hartford?</li> <li>A Hartford would be 8.4. There is no sergeant. The supervisor is William Juedes.</li> <li>Q For the Sinai facility?</li> <li>A Approximately 30, and that would be inclusive of three sergeants, and the supervisor is Arthur Smith.</li> <li>Q And the Kenosha facility?</li> <li>A That would be 8.4, inclusive of one sergeant.</li> <li>Q And the supervisor?</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Q A Q A Q A Q	And that sort of descriptive way is the way you've been describing all of these facilities? Correct.  So that was Summit, and then the psych and Zilber, does it make sense to put those two together in terms of describing it?  Yes, it does. Staffing is a little different. We don't have first shift staff on Zilber dedicated to that particular building, but they're supported by the Aurora psychiatric security staff, which is on the grounds. So it's a little different model.  Can you describe it to me the easiest way?  Sure. At Zilber we have one officer on duty, basically second and third shift and weekends, and then at the psychiatric facility, which is also on the same grounds but a different set of buildings, we have one person seven by 24.  So that would be 4.2?  Correct, and then we have a supervisor that oversees that whole complex.  And who is that supervisor?  Christopher Kukec.  Same question for the Grafton facility?
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10 (Pages 34 to 37)

	Page 38		Page 40
1	right now, we have an interim supervisor named	1	allocation is done?
2	Ian O'Connell.	2	A Correct.
3	Q Same question for Oshkosh?	3	Q All of these supervisors that we just talked about
4	A Oshkosh, 8.4, and the supervisor is Mike Brown.	4	for these various locations, do they all report
5	Q Same question for Manitowoc?	5	directly to you?
6	A Manitowoc is 4.2.	6	A No.
7	Q And then BayCare?	7	Q Are there some that report to an interim person
8	A BayCare is 8.4.	8	before it gets reported to you?
9	Q I'm sorry, who's the supervisor in Manitowoc?	9	A Correct. The supervisors all report to one of
10	A Like Summit, there's not a supervisor at the	10	five managers, and then the managers report
11	building. Our regional or market manager	11	directly to me. I have one supervisor who reports
12	Bob Des Jarlais' office is that, so he has a dual	12	directly to me, a specialty area, safety.
13	responsibility.	13	Q Who is that?
14	Q And BayCare, is there a supervisor?	14	A His name is John Bruce. He doesn't have any
15	A Yes, Ryan Phillips.	15	direct reports, so he doesn't work with officers
16	Q The Sheboygan clinic, how many security officers?	16	particularly, specifically, and then I have an
17	A We staff just four hours a day, Monday through	17	administrative assistant and five managers, and
18	Friday, in the evening.	18	then I have a manager for employee health that's
19	Q The corporate facility, how much security there?	19	not part of loss prevention. So those are my
20 21	A They're just serviced by the staff from	20 21	direct reports.
22	St. Luke's. They don't have a dedicated, specific allocation.	22	Q For purposes of today's deposition, I think I'm going to focus on your security. So you have five
23	Q Highland Avenue?	23	direct reports who are managers who report to you
24	A I believe it's one FTE.	24	regarding security issues; is that right?
25	Q So 4.2?	25	A That's correct.
	Page 39		Page 41
1	A No, just during the day, so Monday through Friday	1	Q I'm going to reference you to Exhibit 2 again.
2	is what we're doing now.	2	Are those five individuals listed on any of these
3 4	Q Is there a document you have that lists all this information for these facilities?	3 4	organizational charts?
5	A The only document I could think of would be when I	5	A Yes, they're all on page 20 I mean, 20. Q And when I look at this, maybe you can help me
6	do my corporate allocation for budgetary purposes	6	understand it, because I see four people on
7	and how many FTEs we have on the sites. We do	7	that direct report line, Mary Doherty,
8	that annually.	8	Robert Des Jarlais, James Moraza, and
9	Q Do you always do that at the same time of the	9	Clint Schaefer. Are all four of those your direct
10	year?	10	report managers?
11	A Yes, generally.	11	A Mary is the employee health one. The five direct
12	Q What time is that?	12	managers for loss prevention are the three you
13	A It's usually in the summer months, July, August,	13	mentioned, Robert Des Jarlais, Jim Moraza,
14	we put our budgets together.	14	Clint Schaefer, and then just down a line,
15	Q So that recently was done this July or August of	15	Robert Solie and David Wood. A G. David Wood is
16	2010?	16	listed here.
17	A Probably, yes.	17	Q And the other three individuals listed on here,
18	Q What would the name of that document be?	18	Mr. Bruce, Ms. Taylor, and Mr. Steffel, those
19	A It would be corporate allocation worksheet or	19	folks do not report directly to you?
20	corporate allocation designation, something along	20	A John Bruce does and Carmen Taylor does. Carmen is
21	those lines. Finance department asks us to let	21	my administrative assistant. John is that safety
22	them know how we're allocating the corporate	22	supervisor I mentioned. John Steffel does not
23	resources out to the sites that we support.	23	report directly to me. He reports to Dave Wood.
24 25	Q It's my understanding then you're the person who	24 25	Q Then is there a chart in this document that we're looking at which describes who reports to the five
۷5	is making that decision as far as how the	<u>  43</u>	rooking at which describes who reports to the five

11 (Pages 38 to 41)

	Page 42		Page 44
1	managers that you just identified?	1	two weeks yet, is on Montana Street. We will be
2	A Yes, I think those are the subsequent pages here.	2	moving to Virginia Street. That is our corporate
3	21 reports, when I say 21, that's the document	3	headquarters.
4	number on the bottom right, shows the three direct	4	(Recess taken)
5	reports that report to Bob Des Jarlais in the	5	Q Mr. Cummings, just a couple of things I want to
6	north market area.	6	clear up. When we went through the list of
7	Q And then so on for 22, 23, and 24?	7	locations, and you were describing the number of
8	A That's correct.	8	security officers employed at those locations, you
9	Q So who am I missing here? I've got	9	did so in terms of sort of a 4.2 or an 8.4
10	Mr. Des Jarlais, Mr. Moraza, Mr. Schaefer,	10	designation for a lot of those facilities; is that
11	Mr. Solie?	11	right?
12	A Mr. Wood is on the first one. He only has one	12	A Yes.
13	direct report at this time. It's	13	Q And I just want to sort of clear up exactly what
14	Jonathan Steffel. He has a functional area of	14	you mean by that. When you say 4.2, what does
15	technology.	15	that mean?
16	Q When we started talking about where Aurora does	16	A That means we're staffing one person seven by 24
17	business in, you had mentioned northern Illinois.	17	at the site. So it may mean more people, because
18	Are any of the facilities that we talked about	18	we have part and full-time or even per diem to
19	here, are any of those in northern Illinois?	19	make sure we have that staffing level, but we're
20	A No.	20	budgeting for the one person seven by 24.
21	Q What facilities does Aurora operate in northern	21	Q When you say seven by 24, just to be clear, what
22	Illinois strike that.	22	does that mean?
23	Does Aurora offer or provide security for any	23	A One officer on duty seven days a week, 24 hours a
24	of its facilities in northern Illinois?	24	day.
25	A Not with any security officer presence. We do so	25	Q When you're talking then about the 8.4
	The second of th		
	Page 43		Page 45
1	_	1	
1 2	in a kind of consultive way through a supervisor	1 2	designation, what does that mean?
2	in a kind of consultive way through a supervisor or manager if they had issues, that they would	2	designation, what does that mean?  A That means two people on duty seven days a week,
2	in a kind of consultive way through a supervisor or manager if they had issues, that they would need to do a consultation on it at this point.	2 3	designation, what does that mean?  A That means two people on duty seven days a week, 24 hours a day.
2 3 4	in a kind of consultive way through a supervisor or manager if they had issues, that they would need to do a consultation on it at this point.  Q So if I understand that answer, you're saying	2 3 4	designation, what does that mean?  A That means two people on duty seven days a week, 24 hours a day.  Q Two people working at the same time?
2 3 4 5	in a kind of consultive way through a supervisor or manager if they had issues, that they would need to do a consultation on it at this point.  Q So if I understand that answer, you're saying there are no officers who are paid by the hour who	2 3 4 5	designation, what does that mean?  A That means two people on duty seven days a week, 24 hours a day.  Q Two people working at the same time?  A Correct.
2 3 4	in a kind of consultive way through a supervisor or manager if they had issues, that they would need to do a consultation on it at this point.  Q So if I understand that answer, you're saying	2 3 4	designation, what does that mean?  A That means two people on duty seven days a week, 24 hours a day.  Q Two people working at the same time?  A Correct.  Q When you're saying working, is it the same as
2 3 4 5 6	in a kind of consultive way through a supervisor or manager if they had issues, that they would need to do a consultation on it at this point.  Q So if I understand that answer, you're saying there are no officers who are paid by the hour who work in Aurora's northern Illinois facilities?  A That's true.	2 3 4 5 6	designation, what does that mean?  A That means two people on duty seven days a week, 24 hours a day.  Q Two people working at the same time?  A Correct.
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2 3 4 5 6 7 8	in a kind of consultive way through a supervisor or manager if they had issues, that they would need to do a consultation on it at this point.  Q So if I understand that answer, you're saying there are no officers who are paid by the hour who work in Aurora's northern Illinois facilities?  A That's true.	2 3 4 5 6 7 8	designation, what does that mean?  A That means two people on duty seven days a week, 24 hours a day.  Q Two people working at the same time?  A Correct.  Q When you're saying working, is it the same as saying on duty?  A Yes.  Q We had talked about the 142 full-time equivalent
2 3 4 5 6 7 8 9	in a kind of consultive way through a supervisor or manager if they had issues, that they would need to do a consultation on it at this point.  Q So if I understand that answer, you're saying there are no officers who are paid by the hour who work in Aurora's northern Illinois facilities?  A That's true.  Q There's an Aurora facility that I'm thinking of that's on Highway 94 sort of near Johnson Creek?	2 3 4 5 6 7 8	designation, what does that mean?  A That means two people on duty seven days a week, 24 hours a day.  Q Two people working at the same time?  A Correct.  Q When you're saying working, is it the same as saying on duty?  A Yes.
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2 3 4 5 6 7 8 9 10	in a kind of consultive way through a supervisor or manager if they had issues, that they would need to do a consultation on it at this point.  Q So if I understand that answer, you're saying there are no officers who are paid by the hour who work in Aurora's northern Illinois facilities?  A That's true.  Q There's an Aurora facility that I'm thinking of that's on Highway 94 sort of near Johnson Creek?  A Okay.  Q Do you know what facility I'm talking about?	2 3 4 5 6 7 8 9 10	designation, what does that mean?  A That means two people on duty seven days a week, 24 hours a day.  Q Two people working at the same time?  A Correct.  Q When you're saying working, is it the same as saying on duty?  A Yes.  Q We had talked about the 142 full-time equivalent employees; you had also mentioned about 20 part-time employees?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	in a kind of consultive way through a supervisor or manager if they had issues, that they would need to do a consultation on it at this point.  Q So if I understand that answer, you're saying there are no officers who are paid by the hour who work in Aurora's northern Illinois facilities?  A That's true.  Q There's an Aurora facility that I'm thinking of that's on Highway 94 sort of near Johnson Creek?  A Okay.  Q Do you know what facility I'm talking about?  A We're not talking about the Summit hospital, are we?  Q That's Summit.  A That's pretty close to Johnson Creek. That's the one you can see from I-94.  Q Thanks for bearing with me. I think we've got that figured out. That's a fairly new facility; is that right?  A Correct.  Q Does Aurora consider its principal office to be the St. Luke's Center?  A I don't know what you mean by principal office.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	designation, what does that mean?  A That means two people on duty seven days a week, 24 hours a day.  Q Two people working at the same time?  A Correct.  Q When you're saying working, is it the same as saying on duty?  A Yes.  Q We had talked about the 142 full-time equivalent employees; you had also mentioned about 20 part-time employees?  A It's 142 full-time equivalence, so to get that, we will staff three part-time and per diem zero assigned people that aren't on the books is a specific number of hours guaranteed, and they fill in and those sorts of things. So on average, we'll probably have 20 more bodies in the department than we will have FTEs.  Q How many total people, full-time equivalent, part-time, per diem, all those folks, how many security officers currently does Aurora employ?  A I couldn't give you an exact number because we have a number of open positions right now, but it

12 (Pages 42 to 45)

	Page 46		Page 48
1		1	
1 2	they were all filled.  Q When we talk about the seven by 24 designation,	1	as of today?
3	that means that Aurora has security officers on	2 3	A I'd have to look at it. There's probably a couple
4	duty 24 hours a day at those locations that were	4	of minor changes. There's one thing that I
5	identified as either 4.2 or 8.4?	5	mentioned when I was going over. Page 23, right
6		6	under James Sagan on the far left column,
7	A The exceptions would be the Sheboygan clinic that I mentioned, and the hospice doesn't have first	7	Duane Hanson is showing as security officer. He
8	shift, and then the family service building on	8	was recently promoted to sergeant at our Summit
9	Highland that just is there first shift Monday		facility.
10	•	9	Q So Mr. Sagan is now a
11	through Friday.  Q Those facilities for all the hours that officers	11	A No, he's still the supervisor.
12		12	Q Mr. Hanson, is that
13	are there, they're always on duty, correct?	13	A Mr. Hanson is now the sergeant at our Summit site.
14	A I'm not sure what you mean by on duty.	$\begin{vmatrix} 13 \\ 14 \end{vmatrix}$	He reports to Clint Schaefer.
15	Q What do you mean by on duty when you answered my last couple of questions?	15	Q Again, big picture, what's the difference between
16	A Well, the purpose of why we're here other than	16	a security officer and a sergeant?
17	• •	17	A I guess the best way I would describe it is a
18	their lunch breaks, they would be on duty, yes.  Q We had talked about your five direct report	18	sergeant is kind of a lead, doesn't have supervisory responsibility, is an hourly employee,
19	managers, and then a number of the supervisors at	19	doesn't hire, fire, formally discipline, those
20	these various locations who report to one of those	20	sorts of things. They're a working officer, but
21	five managers. At the end of the day, you're the	21	
22	boss of the security department, right?	22	they have a slightly accelerated lead position where they make decisions in the absence of a
23	A Correct.	23	supervisor.
24	Q And by that I mean that you are ultimately	24	Q But still are an hourly employee, correct?
25	responsible for all of these folks who, in various	25	A Correct. I don't think there are any changes that
23	Page 47		Page 49
1	ways, report to you?	1	I'm aware of here. I don't see any other changes
2	A Correct.	2	since this was produced.
3	Q You had said that, give or take a few people,	3	Q And sergeants and officers are subject to the same
4	Aurora currently employs about 160 security	4	meal policy; is that correct?
5	officers, correct?	5	A That is correct.
6	A Correct.	6	Q And the supervisor positions that we've talked
7	Q Can you go back historically and tell me what that	7	about, are those folks paid hourly or on a salary?
8	number would be in 2009 approximately?	8	A They're on a salary. They're exempt.
9	A Sure. We were at 150. We had 132 FTEs, give or	9	Q As a part of the documents that have been produced
10	take a tenth either way, and so with the	10	in this case, we received a job description for
11	additional 20 normally part-time and per diem, I	11 12	the security officers. Is there a similar
12 13	would say a good estimate would be about 150.	13	document for a job description for the security
	Q And 2008?		sergeants?
14 15	A 2008 would be about 147.	14 15	A There is.  O And what's the exact title of that position?
16	Q And 2007?	16	<ul><li>Q And what's the exact title of that position?</li><li>A I believe it is sergeant.</li></ul>
17	A 147. Our FTEs were 127 for both of those years.	17	<u>e</u>
18	Q And the increase from 147 up to 160 currently is	18	Q And is there similarly a job description for the
19	based on what?	19	supervisors? A There is.
20	A The opening of the Summit hospital. The opening in Grafton added people. My budget has stayed	20	Q What is the title of that job?
21	relatively flat other than when we've opened new	21	A It's basically supervisor. Sometimes it will say
22	facilities. They usually account for additional	22	supervisor, and it will have the region or the
23	staffing.	23	business line that they support, but it's
24	Q One thing I need to ask you about Exhibit No. 2	24	basically the same job description.
			• • •
25	there, is that exhibit current? Is that accurate	25	Q And is there a job description for the managers

13 (Pages 46 to 49)

	Page 50		Page 52
1	that the supervisors report to?	1	that are the hiring they make the decisions on
2	A There is.	2	hiring for the officers, and so they have primary
3	Q What is that job description called?	3	responsibility for, I guess I'll say, adhering to
4	A It's a job description for loss prevention	4	the corporate policy on training. Then we also
5	manager, and again, some of them will say their	5	have the gentleman who is listed as the safety
6	specific mark or their region that they support,	6	supervisor, John Bruce, in the last year or so,
7	and some will just say generically manager.	7	I've assigned him to help us kind of improve our
8	Q Do you have a job description?	8	overall training by working on what we're calling
9	A I do.	9	the academy of loss prevention, academy, to make
10	Q And does that just say director of security and	10	sure that we are capturing other opportunities for
11	loss prevention?	11	training for officers and making sure we stay as
12	A I believe it says director of loss prevention	12	consistent as possible.
13	services, but yes.	13	Q Tell me about the academy.
14	Q Are Aurora's security officers trained?	14	A It's something we're just in the process of
15	A They are.	15	rolling out. We hope to start it in 2011. We're
16	Q Who or what department is in charge of training	16	working on it. It would be making sure that it
17	Aurora's security officers?	17	will be a different format for assisting the
18	A We're responsible for training our officers.	18	supervisors in training the officers to all of our
19	Q When you say we're, what do you mean?	19	policies so they would come on and get kind of the
20	A I mean the loss prevention services department.	20	basics in a consistent, more timely manner if
21	We use some outside training from time to time to	21	there's glitches with that. You know, because
22	augment, but we have a training policy, and we've	22	with the number of officers we hire, with the
23	trained to that policy.	23	part-time and the per diem, we think we can do it
24	Q Is the training uniform for all of Aurora security	24	more efficiently, in a more formalized classroom
25	officers?	25	setting. At least to start with, we're going to
	Page 51		Page 53
1	A It is on the big picture level. Those things that	1	try that.
2	are common for all staff. There will be	2	Q And you had mentioned some big picture training.
3	procedural elements that will be trained	3	What do you mean by that? What are the elements
4	differently from site to site depending on the	4	of big picture training?
5	nature and the peculiarities of a specific site,	5	A Well, one of the big picture training elements is
6	everything from which doors get opened at what	6	there's a professional organization that many of
7	time to, you know, whether you do a cash run or	7	us belong to. It's called IAHSS, International
8	you don't do a cash run. So those procedural	8	Association for Health Care Safety and Security,
9	things will happen more on the on-the-job training	9	and they offer an online or paper basic officer
10	part of it and orientation to that particular	10	training course for security officers, and for
11 12	site. Globally, officers are trained the same	11 12	years we've required that all of our officers pass
13	overall to meet our policy, if that answers your question.	13	that test. And what it does is it allows us to have a common denominator of all of our officers
14	Q It does. Thank you. In terms of the big picture	14	understanding the role of a security officer in
15	training you were talking about, is there a	15	the health care environment. So we've required it
16	specific person within your department that's	16	for a number of years for officers to complete
17	responsible for that training?	17	that. That's one of the basic things.
18	A It's a multitask. There's not one individual that	18	Q All Aurora security officers are required to take
19	is out there training every security officer.	19	this test?
20	Different leadership people have different	20	A There were probably a handful, maybe four or five
21	responsibilities.	21	now still existing with us that grandfathered out
22	Q Can you tell me each of those people that are	22	of it when we first started it.
23	responsible for training?	23	Q And what, again, is the name of the test?
24	A I think the primary responsibility for training	24	A It's a basic officer certification.
25	would fall with the supervisor. They're the ones	25	Q And who administers the test?

14 (Pages 50 to 53)

	Page 54		Page 56
1		1	
1 2	A It's administered through the professional association I mentioned. You can purchase tests,	2	standpoint. So we again pushed that back out to the supervisors' responsibility. So each of them
3	and then I assign a test electronically to an	3	have developed tools to make sure that happens at
4	officer when he or she feels they're ready to take	4	the site level.
5	it. They do it online, and if they pass, great.	5	Q How do you know that all the supervisors are going
6	If they don't pass, they have to retake it until	6	over all the topics that you want to be covered as
7	they pass.	7	part of training?
8	Q And do you keep some sort of a chart or a file to	8	A They don't supply me with a specific document of
9	indicate what officers have taken the test and	9	that. That would be captured probably to some
10	passed it?	10	degree in their annual evaluation, their new
11	A I do.	11	evaluation, the 90-day evaluation, that they went
12	Q What's the name of that document?	12	through these things.
13	A It's basic I believe it's basic certification	13	Q Are those standard evaluation forms that go to
14	log, for lack of a better my administrative	14	your office?
15	assistant actually maintains it for me.	15	A Yes, I read every evaluation of all the staff
16	Q What other things in terms of the big picture do	16	every year.
17	you make sure that all the officers do as part of	17	Q And those evaluation forms were developed by who?
18	their training?	18	A Those are system-wide evaluation forms that are
19	A Well, parts of the training are specific to	19	used for all of our caregivers.
20	security topics. Obviously, they go through an	20	Q In addition to security officers?
21	orientation and checklist, and this is the part	21	A Correct, everybody goes through the process.
22	that's the responsibility of the supervisors, to	22	Q And that's a policy in terms of, you know, what
23	make sure all of our policies are covered with	23	the forms look like, when the reviews happen,
24	them, that all of the that they understand our	24	that's set on a system-wide basis by somebody
25	mission statement, how our department supports the	25	other than you?
	Page 55		Page 57
1	mission, vision, values of Aurora, and then also	1	A Correct. In that formal it will capture all of
2	all the site-specific procedural elements that go	2	the Aurora-required training, which goes above and
3	along with that.	3	beyond the security training, like various
4	Q Is there like a packet of materials? You said an	4	compliance training and corporate training. There
5	orientation checklist, is that a document that the	5	are departmental check boxes where you can add
6	supervisors go through to make sure they cover all	6	things that are departmentally-required. So that
7	the topics?	7	will capture making sure that the officers receive
8	A Correct. It's their responsibility to do that on	8	their training. That would be a checklist, and I
9	the site level, and that's the part that we're	9	would be able to see that the officers were
10	going to try to see if we can standardize a little	10	getting their training. Because if they didn't
11	differently going forward in 2011.	11	complete it, it would increase their potential for
12	Q Right, because uniformity is important in terms of	12	a merit increase, for one thing.
13	how your security officers deliver their service,	13	Q Right. So I'm trying to sort of put in my basket
14	right?	14	all the things that are part of a security
15	A Correct.	15	officer's training. They go through an
16	Q The orientation checklist, are there I'm just	16	orientation. They take a test. They are given
17	trying to sort of picture this idea, is there a	17	instructions as to site-specific information from
18 19	group of topics that are general for all officers	18	a supervisor?
20	that is provided from your office or someone in your office?	19 20	A Correct.  Q What else is part of the training?
21	A Not at this time. We had tried that at one point,	21	A One of the training aspects is management of
22	and then had one of our managers be the	22	aggressive behavior and defense arrest tactics.
1 <sup>2</sup> 2	responsible person for say, for example, all of	23	We call them MOEB and DAAT. That training all
23			TO CAN ARCHITICALE AND ENGLEMENT HAR HANNING AND
23 24		24	
23 24 25	our policies. From a centralized standpoint, it wasn't real efficient from a one-on-one	24 25	officers go through. Initially, it's a two-day training, and basically teaches officers how to

15 (Pages 54 to 57)

	Page 58		Page 60
1		1	
1	recognize situations that may be escalating that	1	Again, those were for specific people in the
2	become violent and how to deescalate. And if they	2	department. So we have a multitude of different
3	can't deescalate and it becomes physical, how to	3	training opportunities. Sometimes a professional
4	appropriately and safely defend themselves, take	4	association in the area, ASIS International, for
5	somebody into custody, those sorts of things.	5	example, their chapter, our local chapter, will
6	Every officer goes through initially that two-day	6	put on training opportunities, and we'll send
7	training, and then goes through a one-day	7	officers to that. Not all officers would go. It
8	recertification on an annual basis, so that's part	8	would be based on an expressed interest and the
9	of our training curriculum as well.	9	number of dollars we have available to give
10	Q Is that training done in-house, or is that	10	additional training. Those are the types of
11	provided by an external provider?	11	additional training we'll do for the staff to
12	A It's done in-house by three gentlemen who have	12	augment the basic things that everybody goes
13	been certified through this particular program	13	through.
14	externally.	14	Q Anything else on that list of basic things that
15	Q And the certification, the name of that	15	everybody goes through?
16	certification is what?	16	A Not that I can think right now.
17	A Management of aggressive behavior and defense and	17	Q Is there a document that lists all the basic
18	arrest tactics. It's two things that are	18	things that everyone must go through?
19	combined.	19	A It would be captured in our policy.
20	Q And what is the organization that provides that	20	Q Which policy?
21	certification?	21	A I don't remember the number.
22	A Management of Aggressive Behavior is the name of	22	Q Do you know the name of it?
23	the company as well as the program, and we send	23	A Training.
24	individuals to become certified trainers so we can	24	Q Very good.
25	do it cost-effectively in-house.	25	A It's a department policy called training.
	Page 59		Page 61
1	Q So every security officer that works for Aurora,	1	Q Are the officers trained in terms of using the
2	other than the three people who are the trainers,	2	Kronos system or the time clocks that Aurora uses?
3	everyone has been certified and trained by one of	3	A Yes.
4	these three trainers?	4	Q Is that part of the orientation?
5	A All officers and sergeants unless they're so new	5	A That would be part of the orientation and initial
6	that they haven't gone through the program yet.	6	training with the supervisor, or it could even be
7	Q What are the names of the three folks who have the	7	the sergeant on that level teaching how to Kronos
8	certification?	8	in.
9	A Jim Moraza, one of our managers, Joe Jonas, and	9	Q And that's done the same system-wide for Aurora in
10	Dennis Hafeman, H-a-f-e-m-a-n. Joe Jonas is	10	terms of how the Kronos system is used?
11	listed as a supervisor here, and Dennis Hafeman is	11	A Correct.
12	an officer.	12	Q And the supervisor or the sergeant is providing
13	Q So there's these two certifications that we talked	13	that training, but it's done the way Aurora does
14	about. What else is part of the training?	14	it system-wide; is that correct?
15	A We have a lot of different training that happens	15	A That's correct.
16	at the site level and sometimes at the regional	16	Q And then are the officers similarly trained on how
17	level. We'll have occasional regional or market	17	the meal break policy works?
18	meetings where we bring all the officers together	18	A Yes, in that that's one of those things that would
19	for a given day, once or twice a year, depending	19	be covered by the supervisor for all sites, to
20	on the region, and during that day of training,	20	make sure that they understand both that, and that
21	there will be a lot of training components to	21	is also part of our larger information is given
22	that. We try to bring outside speakers in, so we	22	out like in the employee handbook. So when they
23	have training on an active shooter with various	23	are first hired, they get the employee handbook,
24	police agencies. We have had outside trainers	24	and they acknowledge that. And some of these
25	come in and do interview and interrogation.	25	things that are not specifically departmental
2, 3	come in and do interview and interrogation.	27	anngs that are not specifically departmental

16 (Pages 58 to 61)

1 policies are also covered in the handbook. There are policies that they have access to and some of which are covered during new employee orientation. 4 Q What other materials do they get besides the employee handbook? 5 A By materials? 6 A By materials? 7 Q Written materials. 8 A It's kind of vague in terms of lots of materials. 9 Q What Tm asking is when Aurora hires a security officer, what are the general, written materials. 10 A Well, by receive, they'll get the departmental policies. They won't actually get their own copy of it. It will be covered with them. That's what's noted in the checklist, and it will be checked off, and they will be advised in terms of what's important is to give them the initial, I believe, the initial explanation and training and them make sure that they know if they have agone so they can check themselves if they have any our office issues?  1 misunderstanding or they don't remember something. Q And the departmental policies are policies that your office issues?  2 A Correct. 3 Q And those are uniform throughout the Aurora worring: A Correct. 4 Q Including the meal break policy? 5 A We don't have a specific policy on the meal break. That's really covered by the overall Aurora. We reinforce, again, through training, through a deucation, we reinforce that here's the policy and here's how we expect you to fulfill it. 4 Q So if I'm understanding you, your department has adopted the overall Aurora meal break policy? 5 A Correct. 6 Q Forest. 7 A Correct. 8 Q Forest way to say it, a policy for enforcing its policies in terms of discipline. I usually want to know those and would kind of approve those and work with my HR colleagues to make sure that we're being consistent and all those sorts of things, and then ultimately, it could be a manager or myself getting involved if it became that significant with the ultimately, it could be a manager or myself extemptive exemptand they exampt and they care they the exampt and they it only its portion sof of lots of nor provided if the became th		Page 62		Page 64
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22 A Well, I think it's a shared responsibility on the 22 in July, and her position has not been filled yet.	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	system?  A Correct.  Q Including the meal break policy?  A We don't have a specific policy on the meal break.  That's really covered by the overall Aurora. We reinforce, again, through training, through education, we reinforce that here's the policy and here's how we expect you to fulfill it.  Q So if I'm understanding you, your department has adopted the overall Aurora meal break policy?  A Correct.  Q And that's a uniform policy for all security officers as well as other employees?  A Correct.  Q Who's in charge of enforcing all the departmental policies?	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	there are laws or regulations that are part of that policy, and we want to make sure that we're being consistent.  Q Have we talked about Arthur Smith yet this morning?  A Only that I identified him as a supervisor.  Q I don't think we've talked about Dwight Morgan.  A Dwight Morgan is my boss. He's the vice president of human resources.  Q And do you report to anyone else other than Mr. Morgan?  A No, just directly to Mr. Morgan.  Q Do you know who Mr. Morgan reports to?  A Currently, I believe he might report to the president, Dr. Turkal, because his boss, the senior vice president of human resources retired
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policy and what the infraction or deviation might 25 Q Is there anyone higher in Aurora's overall	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	system?  A Correct.  Q Including the meal break policy?  A We don't have a specific policy on the meal break.  That's really covered by the overall Aurora. We reinforce, again, through training, through education, we reinforce that here's the policy and here's how we expect you to fulfill it.  Q So if I'm understanding you, your department has adopted the overall Aurora meal break policy?  A Correct.  Q And that's a uniform policy for all security officers as well as other employees?  A Correct.  Q Who's in charge of enforcing all the departmental policies?  A Well, I think it's a shared responsibility on the site level. I guess I look at it a little bit incrementally. Depending on the nature of the	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	there are laws or regulations that are part of that policy, and we want to make sure that we're being consistent.  Q Have we talked about Arthur Smith yet this morning?  A Only that I identified him as a supervisor.  Q I don't think we've talked about Dwight Morgan.  A Dwight Morgan is my boss. He's the vice president of human resources.  Q And do you report to anyone else other than Mr. Morgan?  A No, just directly to Mr. Morgan.  Q Do you know who Mr. Morgan reports to?  A Currently, I believe he might report to the president, Dr. Turkal, because his boss, the senior vice president of human resources retired in July, and her position has not been filled yet. So he's acting in that interim role while the search is being conducted.

17 (Pages 62 to 65)

1	Page 66		Page 68
	organizational chart than the president?	1	store valuables, respond to door openings,
2	A No.	2	valuables, property return, lost and found,
3	Q Does the president report to a board of directors?	3	auto-related services we provide, such as finding
4	A I believe so.	4	lost cars, relocating cars. We used to jump-start
5	(Recess taken)	5	cars, but we don't do too much of that anymore.
6	Q Mr. Cummings, why does Aurora employ security	6	So there's a whole auto-related series of those.
7	guards?	7	Certainly, we have huge responsibility for
8	A To ensure as best we can that we have a safe and	8	response to emergent situations at our facilities.
9	secure environment for our patients to receive	9	Our department has designated rules in all of the
10	health care and for our caregivers to deliver	10	emergency situations, which are normally captured
11	health care would be the short answer.	11	in what we call a flip chart, which have different
12	Q And I think we already talked about this, but just	12	codes or conditions that could be anything from
13	to make sure, all of Aurora security officers are	13	severe weather to tornado to fire to bomb threat.
14	paid by the hour; is that correct?	14	So the security department, because of the
15	A Yes.	15	nature of our work, responds to and has a
16	Q And all of Aurora's sergeants are also paid by the	16	designated role in all of those emergency
17	hour?	17	responses. Sometimes it's facilitating things
18	A That's correct.	18	like Flight For Life. We have rules for ensuring
19	Q Can you tell me about the basic job duties of an	19	access to services, so parking, managing parking,
20	Aurora security guard?	20	controlling parking, and vehicle traffic from time
21	A Sure. We provide probably over, and when I say	21	to time. Those are some broad categories.
22	we, I'm talking about the department generically,	22	Q It is a big job?
23	probably provide over 200 different services that	23	A It is.
24	we track. So their responsibility is to be	24	Q In terms of the reporting category, does Aurora
25	available to provide those services in addition to	25	use standardized reports for its officers to fill
	Page 67		Page 69
1	one of them being routine patrol and observe and	1	out?
2	report, anything that would be contrary to the	2	A Yes. We use an electronic reporting, and we've
3	safety of the organization or the people in it.	3	been using that for about six or seven years, I
4	Q And just trying to sort of break down some of	4	believe.
5	these 200 functions into groups; is there an easy	5	Q And what does that mean?
6	way to do that?	6	A It's called IRMS. It's the name of it that we
7	A Yeah, I could probably give you some basic	7	purchased from an outside vendor, and it stands
8	categories. Some of them are report writing. We	8	for Incident Report Management System. Our
9	do report writing in the specific types of	9	officers, when they are required to write a report
10	situations that occur that we'd help document,	10	per policy, they log into the IRMS system, and
11	document incidents and to a degree investigate	11	they write the report. It's an electronic
12	them and try to solve them, if you will, or call	12	software version, so it can be archived and
13	outside resources to assist us as needed. So	13	stored, and it can be viewed by department
14	there's a whole group of things that we do under	14	leadership.
15	the report-writing category. Responding to, I'll	15	Q Is this something that they're trained on, the
	just call them difficult situations, could be	16	security officers are trained on, in terms of how
16	tense situations between a combination of people.	17	to use the IRMS system?
17	If you want to call it disruptive situations,	18	A Right, that would be part of their initial
17 18	aguld be between notionts wisitens staff to	19	on-the-job training.
17 18 19	could be between patients, visitors, staff, to		O And the IDMC greaters year and the selection to 1
17 18 19 20	help calm a situation, diffuse it, as I indicated	20	Q And the IRMS system, you said they login; how do
17 18 19 20 21	help calm a situation, diffuse it, as I indicated from MOEB and DAAT training. There's an awful lot	20 21	they do that?
17 18 19 20 21 22	help calm a situation, diffuse it, as I indicated from MOEB and DAAT training. There's an awful lot of routine services that we do for patients	20 21 22	they do that?  A They have a password and a login ID that would
17 18 19 20 21 22 23	help calm a situation, diffuse it, as I indicated from MOEB and DAAT training. There's an awful lot of routine services that we do for patients break it up by patients, by visitors, and staff,	20 21 22 23	they do that?  A They have a password and a login ID that would allow them access to write a report and review
17 18 19 20 21 22	help calm a situation, diffuse it, as I indicated from MOEB and DAAT training. There's an awful lot of routine services that we do for patients	20 21 22	they do that?  A They have a password and a login ID that would

18 (Pages 66 to 69)

	Page 70		Page 72
1		1	
1 2	level, there's a supervisor level. Each of them	1 2	activity blotter, a log of some sort, and that can
3	are password protected to the point of so if I write a very sensitive report, they couldn't see	3	get transposed later. So they accomplish it in different ways depending on the staffing level and
4	it, but I can see theirs.	4	how busy they are.
5	Q And this is something that's done on a computer;	5	Q Since we're on this subject, I'm not going to mark
6	is that right?	6	these as exhibits yet, but just so I understand
7	A Correct.	7	what we're looking at, when you say activity log
8	Q Does each officer have a computer that's issued by	8	or daily blotter, are these the documents that
9	Aurora?	9	you're talking about?
10	A They have access to a computer. They don't have	10	A Yes, they are.
11	their own computer. They have a departmental	11	MR. SCULLEN: Will you identify
12	computer that they would have access to that has	12	them by the bates label?
13	that particular software loaded on it.	13	MR. PARSONS: Sure.
14	Q And the actual software, does Aurora use one set	14	Q This is a large packet of documents that has the
15	of the IRMS software for the entire company?	15	number 075448 on the front. We also received some
16	A Correct.	16	documents that start with a bates stamp number
17	Q And you have the ability to read the IRMS reports	17	77621. Do you know what those are?
18	from any sergeant, officer, manager, supervisor?	18	A They look like they are for some random officers.
19	A I do.	19	I don't know if they're all officers for a
20	Q And then the chain of command dictates what level	20	specific time. This one says starting on
21	of clearance, so to, the various employees might	21	October 7th of 2007, shows the activity of
22	have?	22	specific officers did various specific
23	A Correct.	23	functions that they accomplished that would have
24	Q Other than the IRMS reports, are there any other	24	been put into the ACT track. This looks like it's
25	standard reports that the officers use?	25	an ACT track printout of those types of activities
	Page 71		Page 73
1	A It's not a report so much, but it's an activity	1	we talked about earlier. So I see a valuable
2	log. I mean, it's a report of sorts. It can be	2	handling, a valuable pickup, a couple of those. I
3	used to generate reports. It's what they do on a	3	see an auto service, jump-start. I see a special
4	day-to-day basis that helps account for their	4	project, ILSM, which stands for interim life
5	time, allows us to make sure that things are being	5	safety, which means we were doing a fire watch.
6	documented, and that we can then track how many	6	So this document, series of pages you gave me,
7	things various officers are doing at what site so	7	appears to be an ACT track example of some
8	that we can see if the level of activity or the	8	ACT track activity.
9	business, if you will, is increasing to the point	9	Q Just so I understand, are the ACT tracks and
10	that we need to use more security officers. So	10	activity logs, are those two documents somehow
11	it's a productivity tool as well.	11	connected in terms of the information they're
12	Q And all of the officers fill out the activity	12	providing?
13	logs; is that right?	13	A Yes, they should be in connected in as much as
14	A They are filled out by the site. We leave the	14	the blotter activity should end up captured in
15	supervisor sometimes a supervisor will have	15	ACT track. ACT track is more high tech, if you
16	somebody in a dispatch center that as an officer	16	will. It's electronic. I can run reports or have
17	does a task, will login that the officer did a	17	my administrator, who is Dave Wood, one of my
18	door opening, started at 4:02, finished at 4:15.	18	managers, I'll have him run reports for me from
19	So we'll get a mark, and the time will be	19	time to time in terms of tell me how many various
20	documented how that officer was doing that. And	20	types of activities were done by shift, by site,
21	sometimes they'll do it in realtime, where the	21	by officer, if we're looking to break it down to
22	sites will have Sinai and St. Luke's will have	22	see how we're using our time.
23	multiple officers, the dispatch center person will	23	Q Thanks. So the activity logs that you were just
24	be able to do that in realtime. Sometimes what	24	telling me about, you said each site completes the
25	they'll do is document it in addition on an	25	activity logs, and it might vary from site to site

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1	in terms of who's actually filling it out, but	1	the dispatch does in terms of marking down whether
2	each site produces an activity log?	2	an officer is taking a lunch break?
3	A Yes.	3	A Well, I would say that for us putting it down, if
4	Q Any other standardized reports other than the	4	it's a dispatcher, that would be my expectation.
5	activity logs?	5	I just don't know if the switchboard at those
6	A Just by reports, just what would be captured in	6	sites where the switchboard does the dispatching
7	Kronos for payroll for purposes of what we're	7	when there's only one officer, I'm not sure how
8	talking about here.	8	they document that, if they do that in realtime,
9	Q Do the officers fill out any reports related to	9	or if they just keep it off to the side so they
10	checking out equipment, or things like that?	10	know that officer X is at lunch.
11	A Oftentimes those are captured on the activity log.	11	Q So would it be fair to say for all the sites that
12	We leave it up to the officer. If there's only	12	have dispatch, an officer going off duty for a
13	one officer working, we know he has got the radio.	13	meal break should at least be reported in the
14	For the purposes of SAR sites where we have maybe	14	activity log?
15	as many as six officers working the same shift,	15	A Yes.
16	that site may just do a little differently and	16	Q And for the sites where it's being handled, but
17	make sure that we all know. Everybody who's	17	where that type of information is being processed
18	looking at the blotter knows who's on duty, who	18	by the switchboard, you're not sure who I'm
19	had what radio, what beat assignment, and that's	19	sorry, you're not sure how that information would
20	more in the area where we have multiple officers	20	be recorded, if it's recorded at all?
21	working the same shift.	21	A That would be true.
22	Q Would there be a report where the officers would	22	Q Do you know who would know that who would be
23	write down that they were taking a meal break?	23	the person who would know how the switchboard
24	A It would normally be in the activity blotter.	24	handles meal break information for security
25	They should be calling in and saying I'm going on	25	officers?
	Page 75		Page 77
1	lunch now.	1	A I wouldn't be able to point you to a specific
2	Q Who would they call in to?	2	person.
3	A Presuming it's a site that there's more than one	3	Q Would that be a site by site?
4	person, then they would call into whoever the	4	A Could be, yes.
5	dispatcher would be or their partner, if there's	5	Q The next group of topics that you talked about
6	two people working. If they're working alone, it	6	were security officers responding to difficult
7	would usually be whoever is dispatching, it could	7	situations, I think is how you said it. Does
8	be the switchboard in some cases. Whoever takes	8	Aurora have company-wide policies in terms of how
9	the call for the security officer and dispatches a	9	its security officers should respond to these
10	call and calls them for assignments.	10	difficult situations?
11	Q In terms of when that call comes in, either to	11	A Within the department policy guidelines, we have a
12	dispatch or switchboard, is there then a notation	12	couple of departmental policies that would touch
13	made at the switchboard or dispatch level in terms	13	on that depending on what the nature where the
14	of Officer X is off-duty for lunch or something	14	call was coming from. So for example, we have a
15	like that?	15	policy that was specific to dealing with problems
16	A My expectation, it would be in the activity	16	from the human resources department. So if you
17	blotter, I'm not sure what switchboard does. I'm	17	had a candidate or something going on there that
18	not sure if switchboard just does something	18	was related to that related to a disruptive
19	informal to it as it relates to them knowing that	19	situation. So I don't believe that there's an
20	the officer is at lunch, or if they keep a record	20	overall policy that says this is how you always
21	of that. In our blotter, we would keep that as	21	respond to a disruptive situation in terms of like
22	part of our permanent record.	22	saying, for example, some individual departments
23	Q Who would know that?	23	have a code that they'll call us and say
24	A That meaning which case?	24 25	they'll use a code word or code phrase to say they're having problems so as not to tip off the
25	Q I'm sorry. Who would know what the switchboard or		

20 (Pages 74 to 77)

	Page 78		Page 80
1		1	specialty departments and how often that happens.
2	person that might be disruptive, but that can vary from site to site and department to department	1 2	Q So in general, security officers play a fill-in
3	depending on the nature and the frequency of those	3	role from time to time to help get things done at
4	things at that specific site.	4	these facilities?
5	Q But in terms of how you want the officers to	5	A That's accurate.
6	actually respond to situations, that's you're	6	
7		7	Q What's a patient standby call?
8	hoping for, you know, sort of uniform methods of responding to things; is that right?	8	A Patient standby is a call where the patient either has generally shown to be disruptive, threatening,
9 10	A Are you talking by severity or just in general	9	belligerent, or there's a fear that they may or
	that we expect them to respond and do things	10	that there is a Chapter 51 hold on the person, and
11	generically, like try to diffuse the situation,	11	we're requested to stand by to make sure they
12	get information, get it resolved as peacefully as	12	don't leave when it has risen to the level that
13	possible?	13	legally they can't leave because they're hold
14	Q The latter.	14	harmless. They have been deemed by the police or
15	A Yeah, that would be captured to some degree in the	15	a physician that they're a threat to themselves or
16	on-site training that they would get, and to some	16	somebody else. So we can be called, we being loss
17	degree, in the policy that would be covered by our	17	prevention, can be called in any of those
18	training policy, under the management of	18	situations, and it varies in severity to do a
19	aggressive behavior and defense and arrest tactics	19	standby. Sometimes a patient has just been
20	to use reasonable say, for example, the	20	somewhat disruptive and verbally abusive, and
21	co-concept of reasonable force when you get there,	21	maybe they apparently are over the limit in
22	making sure that you're trying to resolve a	22	alcohol, and the staff may fear for their safety
23	situation first and not escalate it, if that's	23	and want to keep the person controlled. So we'll
24	answering your question.	24	be called to stand by and try to monitor behavior
25	Q In general, there's a general protocol that you	25	and take appropriate action as needed.
	Page 79		Page 81
			1490 01
1	would like the officers to all follow for certain	1	Q Who issues a standby call?
1 2	would like the officers to all follow for certain difficult situations?	1 2	
			Q Who issues a standby call?
2	difficult situations?	2	<ul><li>Q Who issues a standby call?</li><li>A It could be any department, but mostly, mostly,</li></ul>
2	difficult situations? A Correct.	2	<ul><li>Q Who issues a standby call?</li><li>A It could be any department, but mostly, mostly, I'd probably say, 90 percent of ours are in the emergency department.</li></ul>
2 3 4	difficult situations?  A Correct.  Q One of the things that I'm not sure if you mentioned as part of a job duty was providing	2 3 4	<ul> <li>Q Who issues a standby call?</li> <li>A It could be any department, but mostly, mostly, I'd probably say, 90 percent of ours are in the emergency department.</li> <li>Q And how is that standby call communicated to the</li> </ul>
2 3 4 5	difficult situations?  A Correct.  Q One of the things that I'm not sure if you mentioned as part of a job duty was providing supplies to various portions of the facilities; is	2 3 4 5	<ul> <li>Q Who issues a standby call?</li> <li>A It could be any department, but mostly, mostly, I'd probably say, 90 percent of ours are in the emergency department.</li> <li>Q And how is that standby call communicated to the security officer?</li> </ul>
2 3 4 5 6	difficult situations?  A Correct.  Q One of the things that I'm not sure if you mentioned as part of a job duty was providing supplies to various portions of the facilities; is that a duty of the security officers?	2 3 4 5 6	<ul> <li>Q Who issues a standby call?</li> <li>A It could be any department, but mostly, mostly, I'd probably say, 90 percent of ours are in the emergency department.</li> <li>Q And how is that standby call communicated to the</li> </ul>
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21 (Pages 78 to 81)

Page 82 Page 84 1 suicide where you're keeping an eye on them so 1 A Part of it would be from the caller themselves, 2 that they don't try to harm themselves. So one of 2 and if they're not clear about the expectation, 3 3 when possible -- presuming that the call comes to the first things we would expect our officers to 4 do is to try to gain some information so they know 4 a switchboard -- to a central monitoring station, 5 5 one of our officers, and somebody says I need to what degree we need to and can take physical 6 action against that person, depending on what they 6 security in the emergency department for a 7 7 standby, my expectation would be the officer who's 8 8 Q Is there a policy or a departmental policy as far taking that call, before they dispatch, would ask 9 9 a couple basic questions, is this urgent, is it as responding to standby calls? 10 A Not a specific policy in how to respond to 10 emergent, what room are they in. So when they're 11 dispatching, then they would have an opportunity 11 12 Q Is there a general expectation that the officers 12 to help prioritize, you know, whether this is a 13 13 stat call or this is a get there as soon as you will respond to the standby call? 14 A Sure. 14 can, but there's not a fight going on type thing. 15 15 Q How do the officers know that? Q Is there a general list that Aurora has in terms 16 16 of, you know, respond to fire, respond to A Through the general training that they would 17 17 receive on the site, that they would know that emergency, respond to nonemergency in terms of an 18 standbys are pretty commonplace in all medical 18 order? 19 19 centers throughout the country, and ours is no A Well, no, there's not a specific list. It's 20 20 different. It's a very regular and routine inherent in the business and what we do. So we 21 21 service that hospital security personnel do. know that things that are on those code charts, 22 22 those emergent situations, that we would know that Q Do you know, outside of Aurora, is this a function 23 23 that security officers at other medical facilities if a call comes in where it, it appears by the 24 24 typically provide? request for service that it could be 25 25 life-threatening or a situation that could cause A Yes. Page 83 Page 85 Q How do you know that? 1 1 harm to an individual, basically those would be 2 2 A Well, through my professional associations, I have handled as a priority, but there's not a list that 3 dealings with a lot of people that have similar 3 ranks them per se. 4 roles that I do, and we talk about that. That's 4 O In general, would it be fair to say that the 5 5 officers are expected to respond to the most one of the most common challenges in our part of б 6 the business right now is the prevalence of urgent call first and then prioritize from there? 7 7 standby requests and the number of officer hours A Correct. 8 8 that that entails and chews up. So it's one of Q In terms of a time expectation for the response, 9 those common things in the industry. 9 let's talk about a patient's standby call, is 10 Q Does Aurora have an expectation in terms of how 10 there a time expectation in terms of how quickly 11 quickly the officers will respond to these calls? 11 the officer needs to respond? 12 A Not really. So we don't say that you have to 12 A Well, in the absence of anything -- any additional 13 information, the expectation that they would 13 respond in 30 seconds or four minutes because 14 14 that's really not feasible. There's so many respond as soon as practical. If they were in the 15 15 middle of doing something -- unless they were variables. A person can be on the other side of a 16 engaged in a duty or task that was also high 16 very large campus, and they're the only one that 17 profile or of significance such as responding to 17 can respond because other officers, presuming 18 an emergency situation, a fire situation, or they 18 there are other officers on duty, are tied up in 19 were tied up in a helicopter landing where the 19 other higher priority things. So a site as large as St. Luke's or Aurora Sinai could take three or 20 20 safety of other folks would possibly be impacted 21 21 negatively if they left. So a lot of the calls four minutes or several minutes at least for the 22 that our officers respond to, really it's a matter 22 officer to respond depending on where they are at 23 of understanding what the call is about and 23 the time. So there's not a specific time frame 24 that's designated. It's just as soon as possible 24 prioritizing. 25 Q How do they know how to prioritize the calls? 25 and practical, depending on all the other factors

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	Page 86		Page 88
1		1	with them turning the radio off so they don't have
1 2	that are going on.  Q You mentioned that the first thing you wanted the	2	to acknowledge or hear those, as long as they
3	officers to do before responding is to ask a	3	would be able to get an emergent call by pager.
4	couple of follow-up questions?	4	Q Is that a policy?
5	A If it's not clear by the original call that helps	5	A It's not a policy. It's an expectation based on
6	them to determine that, or if there's nothing	6	the fact that when they're at lunch, that they're
7	competing. So for example, if an officer is	7	not required to take routine calls. They're only
8	available and he or she is not assigned to	8	required to respond to emergent calls.
9	anything at this point in time, and a call came in	9	Q Do you know if that expectation is implemented on
10	for a standby, and it didn't sound frantic or	10	a system-wide basis?
11	whatever, then they would be dispatched because	11	A To the best of my knowledge, it is, yes. I'm very
12	they're not in competition. It's more	12	consistent about communicating that.
13	important it's most important when an officer	13	Q How have you communicated that in the past?
14	is already assigned to something else, and they	14	A I've done it in some of my newsletters. I write a
15	have to be reassigned to then make that priority.	15	newsletter occasionally. It used to be monthly,
16	So getting information there is probably even more	16	sometimes it's quarterly, sometimes it's every
17	crucial.	17	other month, depends on how much information we
18	Q Is it important for dispatch or the switchboard to	18	have. In that newsletter, I'll cover various
19	know that the officer received the message?	19	topics. I'll welcome people to the department. I
20	A It would depend on the nature of the call.	20	know that there have been times in the newsletter
21	There's usually an acknowledgment component to	21	going back 10, 12 years, for sure, the ones that I
22	that.	22	was able to produce for this situation, that
23	Q Is that a standardized policy in terms of	23	and that newsletter goes to every officer. It
24	acknowledging calls?	24	doesn't just go to the supervisor. So we've
25	A Policy or procedure, I think it's just kind of	25	addressed the fact of what the expectations are
	Page 87		Page 89
1	understood, and for the purposes of what we're	1	from my level, and I know that I've seen documents
2	here for, that if the person is on a lunch, and	2	from managers and supervisors when they've covered
3	they're the only officer on, or even if they're	3	this topic in site-specific or regional meetings,
4	not the only officer on, if they're getting a	4	and I've never seen it not consistently
5	call, and they have taken they have taken the	5	communicated what our expectation is.
6	action to notify the central monitoring station or	6	Q You said that you had produced these newsletters.
7	the switchboard that they're on lunch, which in my	7	What did you mean by that?
8	opinion would mean that they only respond to	8	A I provided them to human resources as part of the
9	emergency-type calls, it wouldn't be necessary for	9	documentation for this case.
10	them to necessarily respond to acknowledge a	10	Q As part of the lawsuit?
11	nonemergency call during that time.	11	A Yes. The newsletters in which newsletters I
12	Q My understanding based on what you just said is	12	addressed this specific topic.
13	that it's your expectation that even while the	13	(Discussion off the record)
14	officer is on lunch, that he or she will be	14	Q You were talking about that it was communicated
15	monitoring their communication device; is that	15	through some newsletters. Any other methods of
16	correct?	16	communicating this in writing?
17	A I don't know. By monitoring	17	A I've seen e-mails, and I don't know if they were
18	Q Let me ask it another way, would he or she turn	18	memos, depending on how far back we go, but I've
19	the device off?	19	seen correspondence, electronic and hardcopy
20 21	A My expectation would be that they would not turn	20 21	correspondence from supervisors and managers to
22	it off if that was the device to which they were	22	the staff consistently over years addressing this topic about our expectation of officers being
23	going to receive emergent calls. So for example, if an officer had a pager and a radio, and the	23	entitled to, and sergeants, hourly employees,
24	radio was used for everything, and the pager could	24	being entitled to a 30-minute, uninterrupted meal
25	be used just for emergent, I would have no problem	25	break. And if there's an emergent situation, if
23	oc used just for emergent, I would have no problem	123	oroun. This is there is an emergent situation, if

23 (Pages 86 to 89)

they have to come off of their lunch hour, that they either need to be paid for the entire lunch about they either need to be paid for the entire lunch about they either need to be paid for the entire lunch about they either need to be paid for the entire lunch about they either need to be paid for the entire lunch about they either need to be paid for the entire lunch about the paid for the young off, in my opinion, that wasn't necessary, but if they come off, in my opinion, that wasn't necessary, but if they do come off off own, they will be paid for the document they own that they come off entire not impacting the officer's ability to have that 30-minute lunch hour, and that were not unnecessarily wasning budgetary and large that were not unnecessarily wasning budgetary and large that were not entire lunch they evaluated the treath of the paid for the entire lunch that were noted that were holding, their ring, their watch, and they wanted their valuables returned to them and they wanted their valuables returned to them that were holding, their ring, their watch, and there was flexibility in that, then it wouldn't be person, we consider that pretty much emergent, and they wanted their valuables returned to them that were holding, their ring, their watch, and they wanted their valuables returned to them that where holding, their ring, their watch, and they wanted their valuables returned to them that were holding, their ring, their watch, and they wanted their valuables returned to them that were holding, their ring, their watch, and they wanted their valuables returned to them that were holding, their ring, their watch, and they wanted their valuables returned to them that were holding, their ring, their watch, and they wanted their valuables returned to them that were holding, their ring, their watch, and they wanted their valuables returned to them that were holding, their ring, their watch, and they wanted their valuables returned to them that were holding, their ring, their watch, and they wanted their va		Page 90		Page 92
they either need to be paid for the entire lunch 3 hour, or they can start it up and take a full 4 30-minute, interrupted lunch hour. And that's if 5 they come off emergently, or even if they come 6 off, in my opinion, that wasn't necessary, but if 7 they do come off of work, they will be paid for 8 it. Those are the things we try to monitor to 9 make sure that we're not impacting the officer's ability to have that 30-minute lunch hour, and 11 that we're not unnecessarily wasting budgetary dollars for people coming off when they shouldn't 13 be interrupted. So there's a two-fold reason. In 14 addition to the overall things, that it's policy 15 and law. 16 Q How do they know whether they shouldn't 17 come off their break? 18 A Well, there's some discretion. Obviously, if 19 there's a condition, which was a fire situation, 20 we'd expect that they'd come off. If there was a 21 aparient valuable, and the patient was going to be 22 leaving and being discharged in the next half-hour 23 and they wanted their valuables returned to them 24 there was flexibility in that, then it wouldn't be 25 discharged, my expectation is that they would be from a service standpoint is to go ahead 25 and come off your lunch hour, make that decision, 26 do free there, a patient is waiting to be 27 do do they valuable return, go back to your lunch, and 28 again stard over, or if you don't get a chance to, 31 then you get paid for it. So there are some that 32 are retry toy vious, get a chance to, 33 then you get paid for it. So there are some that 34 are pretry obvious, either way, there's some 45 discretion that they have. 46 Q It would be pretry bad if a security officer 47 identification) 47 (Whit is this? 48 (Whit is this? 49 (What is this? 40 (What is this? 40 (What is this? 41 (Whit is this cournent security officer description? 41 (Whit is this cournent security officer description? 42 (Whit is this cournent security officer description? 43 (Whit is this cournent security officer description? 44 (Whit is this cournent security off	1	they have to come off of their lunch hour, that	1	respond to that would be unacceptable
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24 (Pages 90 to 93)

	Page 94		Page 96
1	So some of them have numbers, some of them don't.	1	is just slacks, shirt, tie. So one category of
2	Some of them are assigned by if it's creating a	2	equipment that we issue to each officer are things
3	Word document, I'll label it something. If it's	3	like that, the coats. Things that they
4	items or an ACT track thing, it's assigned a	4	specifically wear, they don't share. Then there's
5	specific number, case number, if you will, under	5	other equipment they're issued after they go
6	the item system. So there's lots of ways,	6	through the commensurate training. Through MOEB
7	depending on the document in terms of how	7	and DAAT, once they're certified, they will be
8	documents become identified or named.	8	issued handcuffs, batons, and pepper spray. They
9	Q Does your department use any kind of a document	9	also are issued other leather accessories.
10	management software?	10	They're issued equipment on a day-to-day
11	A Not other than the IRMS and ACT track that we've	11	basis as they do their jobs. As they come in,
12	talked about.	12	they pick up a radio, a pager, communication
13	Q In general, you save the Word document to an	13	things. They may pick up a flashlight if they
14	Aurora server?	$\begin{vmatrix} 13 \\ 14 \end{vmatrix}$	need it. There's equipment that is issued just
15	A Correct.	15	for their shift. There's equipment that are
16	Q And when that's done, that doesn't attach a	16	issued to them that they use exclusively, and then
17	document number to it other than the name that	17	there's equipment that are issued to them after
18	you've named that document?	18	they go through specific training. Generally,
19	A As far as I know, yes. Unless there's something	19	those are kind of the categories of equipment.
20	behind the scenes that I'm not aware of.	20	Q I appreciate you breaking that into categories.
21	Q Exhibit No. 3 here, this describes the purpose,	21	That's helpful. So when we're talking about the
22	relationship, functions, know-how, and mental and	22	uniforms that are issued for Aurora security
23	physical requirements of a security officer?	23	officers, is every officer wearing basically the
24	A Correct.	24	same uniform?
25	Q Are there any other documents that would provide a	25	A They are.
	Page 95		Page 97
	_		Page 97
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1	description of the job duties of an Aurora	1	Q Why do you do that?
2	security officer other than this document?	2	A Couple of reasons. One is that we want to have a
2 3	security officer other than this document?  A Those that would be captured, I guess, in all the	2	A Couple of reasons. One is that we want to have a consistent look. We've chosen a uniform that we
2 3 4	security officer other than this document?  A Those that would be captured, I guess, in all the many documents that we kind of referred to	2 3 4	A Couple of reasons. One is that we want to have a consistent look. We've chosen a uniform that we feel provides a good image, and we want to make
2 3 4 5	security officer other than this document?  A Those that would be captured, I guess, in all the many documents that we kind of referred to previously here today, like the training documents	2 3 4 5	A Couple of reasons. One is that we want to have a consistent look. We've chosen a uniform that we feel provides a good image, and we want to make sure that from site to site we are readily
2 3 4 5 6	security officer other than this document?  A Those that would be captured, I guess, in all the many documents that we kind of referred to previously here today, like the training documents and the procedural documents that are at the site,	2 3 4 5 6	A Couple of reasons. One is that we want to have a consistent look. We've chosen a uniform that we feel provides a good image, and we want to make sure that from site to site we are readily identifiable by individuals who may need our
2 3 4 5 6 7	security officer other than this document?  A Those that would be captured, I guess, in all the many documents that we kind of referred to previously here today, like the training documents and the procedural documents that are at the site, within the department. Those all kind of make up	2 3 4 5 6 7	A Couple of reasons. One is that we want to have a consistent look. We've chosen a uniform that we feel provides a good image, and we want to make sure that from site to site we are readily identifiable by individuals who may need our services, whether it's something as simple as a
2 3 4 5 6 7 8	security officer other than this document?  A Those that would be captured, I guess, in all the many documents that we kind of referred to previously here today, like the training documents and the procedural documents that are at the site, within the department. Those all kind of make up the body of the specifics of what an officer does	2 3 4 5 6 7 8	A Couple of reasons. One is that we want to have a consistent look. We've chosen a uniform that we feel provides a good image, and we want to make sure that from site to site we are readily identifiable by individuals who may need our services, whether it's something as simple as a way finding, or something more complex as an
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	security officer other than this document?  A Those that would be captured, I guess, in all the many documents that we kind of referred to previously here today, like the training documents and the procedural documents that are at the site, within the department. Those all kind of make up the body of the specifics of what an officer does and how they do it, and this is kind of the overview of the essential functions in a more global manner.  Q And these are the essential functions for all Aurora security officers?  A Correct.  Q Are Aurora security officers issued any equipment as part of their job?  A Yes, they are.  Q What equipment are they issued?  A I'll break it up into two different types. The first type we call under the uniform policy, we have a uniform policy, okay, so under there, they'll talk about two different types of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Couple of reasons. One is that we want to have a consistent look. We've chosen a uniform that we feel provides a good image, and we want to make sure that from site to site we are readily identifiable by individuals who may need our services, whether it's something as simple as a way finding, or something more complex as an emergent situation. We also want to have consistent uniform because we cross-train our officers between sites from time to time, and we don't want to confuse the people. So wherever they work, we want them to look the same.  Q What kind of cross-training do you do?  A It would be the basic training to the site-specific things, depending on geography. So to get maximum use of the officers, especially part-time officers, who may geographically live halfway between Burlington and Lakeland, we'll cross-train them so that they can pick up extra hours. We can have greater flexibility in our scheduling. So all of the officers with the basic
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	security officer other than this document?  A Those that would be captured, I guess, in all the many documents that we kind of referred to previously here today, like the training documents and the procedural documents that are at the site, within the department. Those all kind of make up the body of the specifics of what an officer does and how they do it, and this is kind of the overview of the essential functions in a more global manner.  Q And these are the essential functions for all Aurora security officers?  A Correct.  Q Are Aurora security officers issued any equipment as part of their job?  A Yes, they are.  Q What equipment are they issued?  A I'll break it up into two different types. The first type we call under the uniform policy, we have a uniform policy, okay, so under there, they'll talk about two different types of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Couple of reasons. One is that we want to have a consistent look. We've chosen a uniform that we feel provides a good image, and we want to make sure that from site to site we are readily identifiable by individuals who may need our services, whether it's something as simple as a way finding, or something more complex as an emergent situation. We also want to have consistent uniform because we cross-train our officers between sites from time to time, and we don't want to confuse the people. So wherever they work, we want them to look the same.  Q What kind of cross-training do you do?  A It would be the basic training to the site-specific things, depending on geography. So to get maximum use of the officers, especially part-time officers, who may geographically live halfway between Burlington and Lakeland, we'll cross-train them so that they can pick up extra hours. We can have greater flexibility in our scheduling. So all of the officers with the basic

25 (Pages 94 to 97)

1 officers will be cross-trained at numerous sites. 2 Some will only have their base and not be 3 cross-trained anywhere else. 4 Q The cross-training we were just talking about, that's done on a site-to-site basis by a 6 supervisor to bring the officer up to speed as to the specific policies of that site? 8 A Sure. Supervisors and sergeants would have a role in that because oftentimes the officer already has a basic understanding of the overall policy. So 11 it's a matter of understanding on this shift, 12 that's when we door openings. Here are some specific things like we talked about before that we do, medical records runs, anything that might be unique to learning the facility as well as learning the physical layout of the facility. Q You had talked about toemmunication devices that were issued when they show up for their shift on site. It's not something they take home with them. 21 A Correct. 22 A Correct. 23 Q And I think you had said pagers, walkie-talkies, any other communication devices? A Those are primarily the two that we would use. Page 99 1 Q And does 2 A There are a couple sites, I'm sorry, that have had a cell phones because of the size of the facility and the fact that the officer works alone, and they're out in the Hinterland, and they're afraid that they might not get a radio call or whatever. So a couple of our sites have assigned cell phones too, that's departmental, that they would use only when they're on site. Q Those are not personal cell phones? 10 A Correct. 11 Q How are the officers issued the pagers, walkie-talkies, or in some cases cell phones? 11 A Correct. 12 Q How are the officers issued the pagers, walkie-talkies, or in some cases cell phones? 12 A When they can on duty, they would pick up 14 A When they can on duty, they would pick up 15 A Correct. 12 Q How are the officers on on they have not duty the would pick up 16 A Correct. 12 Q How are the officers issued the pagers, walkie-talkies, or in some cases cell phones? 14 A When they cane on duty, they would pick up 16 A Co		D 00		D 100
2   Some will only have their base and not be   3   Correst-trained anywhere else.   4   Q The cross-training we were just talking about, that's done on a site-to-site basis by a   6   supervisor to bring the officer up to speed as to the specific policies of that site?   A Correct.   Q Are the officers trained on how to use these communication devices?   A Yes, they are.   Q And who does that training?   A Again, that would be the supervisor or the sergeant, depending on the level of complexity of training needed.   13   A When they came on duty, they would pick up   Page 10   A Correct.   Q Are the officers trained on how to use these communication devices?   A Yes, they are.   Q And who does that training?   A Again, that would be the supervisor or the sergeant, depending on the level of complexity of training needed.   Q Are there written policies in terms of the communication device?   A Not that I can think. There's not a specific policy hat says communication devices?   A Not that I can think. There's not a specific policy hat says communication devices?   A Not that I can think. There's not a specific policy hat says communication devices?   A Not that I can think. There's not a specific policy hat says communication devices?   A Not that I can think. There's not a specific policy hat says communication devices?   A Not that I can think. There's not a specific policy that says communication devices?   A Not that I can think. There's not a specific policy that says communication devices?   A Not that I can think. There's not a specific policy that says communication devices?   A Not that I can think. There's not a specific policy that says communication devices?   A Not that I can think. There's not a specific policy when they show up for their shift on site.   If's not something they take home with them.   A They are a couple sites, I'm sorry, that have had a cell phones because of the size of the facility and they're out in the Hinterland, and they're out in the Hinterland, and they're out in the Hin		Page 98		Page 100
3   Q And that includes, of course, the meal break period as well?   5	^	officers will be cross-trained at numerous sites.		them to have. They would have it with them for
4 Q The cross-training we were just talking about, that's done on a site-to-site basis by a sequence of supervisor to bring the officer up to speed as to the specific policies of that site?  A Sure. Supervisors and sergeants would have a role in that because oftentimes the officer already has a basic understanding of the overall policy. So it's a matter of understanding on this shift, that's when we door openings. Here are some specific things like we talked about before that we do, medical records runs, anything that might be unique to learning the physical layout of the facility.  Q You had talked about communication devices that were issued to an officer. From what you were saying those were issued when they show up for their shift on site. If's not something they take home with them.  A Correct.  Q And I think you had said pagers, walkie-talkies, and the fact that the officer works alone, and they're out in the Hinterland, and they're afraid that they might not get a radio call or whatever. So a couple of our sites have assigned cell phones too, that's departmental, that they would use only when they're on site.  Q Those are not personal cell phones?  A When they came on duty, they would pick up  A When they came on duty, they would pick up  A When they came on duty, they would pick up  A When they came on duty, they would pick up  A When they came on duty, they would pick up  A When they came on duty, they would pick up  A When they came on duty, they would pick up  A When they came on duty, they would pick up  A When they came on duty, they would pick up  A When they came on duty, they would pick up  Brook a Again, that would be the supervisor or the communication devices?  A Yes, they are.  A Again, that would be the supervisor or the teral manual, of a Again, that would be the supervisor or the teral manual, and he level of complexity of training needed.  A Not that I can think. There's not a specific policies in terms of the communication devices. The radie are captured in the equipment policy which we				
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whatever their site deemed was appropriate for 25 is equipment that's issued after an officer is	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A There are a couple sites, I'm sorry, that have had cell phones because of the size of the facility and the fact that the officer works alone, and they're out in the Hinterland, and they're afraid that they might not get a radio call or whatever. So a couple of our sites have assigned cell phones too, that's departmental, that they would use only when they're on site.  Q Those are not personal cell phones?  A Correct.  Q How are the officers issued the pagers, walkie-talkies, or in some cases cell phones?  A When they came on duty, they would pick up whatever device or devices that they're site has deemed they need to have with them to be able to receive calls for that particular shift.  Q Is there a form they fill out for checking them out or anything like that?  A Oftentimes, that would be reflected on the activity blotter that we talked about earlier.  Q And is the officer required to carry whatever communication devices at all times?  A That would be my expectation. They would have	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<ul> <li>A The IAHSS training manual that we have all officers go through.</li> <li>Q And that manual, does Aurora have a copy of that manual, or do you have access to a copy of that manual?</li> <li>A Sure. Those are distributed to all the sites. When new officers come on, they may need to study for it. They can study. We also have a couple backup copies in our office. Q And just bear with me, I'm sorry. That's the manual that is used for the test that you talked about that they take on the computer? A Yes. Q Do you have access to a copy of that test? A No. We don't have copies. Even when it was a paper test, either myself or another senior member of IAHSS, if you had that level of membership, would proctor the paper test, but with the understanding that you couldn't copy or maintain any questions, to maintain the integrity of the test. So there are no copies of the test outside of IAHSS. Q The third type of equipment that you talked about</li></ul>

26 (Pages 98 to 101)

	Da 100		D 104
	Page 102		Page 104
1	certified or qualified to carry that type of	1	assignment, could be informational, could be
2	equipment, correct?	2	information. Could be specific to that officer,
3	A Correct.	3	requesting that you do a valuable return to
4	Q And how does Aurora determine when an officer is	4	Room 104, or it could be something generic that
5	qualified to carry that type of equipment?	5	goes out to multiple officers, or even to a single
6	A One of the three trainers that I named earlier	6	officer such as we have a report of a lost child,
7	will put officers through the training for that	7	here's the description, keep your eye out for
8	two-day class of management of aggressive behavior	8	them. All they would need to do is acknowledge
9	and DAAT, defense and arrest tactics. At the end	9	that.
10	of that class, they test the proficiency of	10	Q Are the communication devices the main way in
11	whether or not they feel these officers understand	11	which the security officers understand their tasks
12	both how to use it and the rules of use of force,	12	for the particular workday?
13	and if they feel comfortable, they will certify,	13	A I wouldn't say the overall tasks, but there are
14	and then they will be given that equipment.	14	specific assignment in a given moment. So their
15	Q You talked about handcuffs, and what other	15	overall tasks are they may get more
16	equipment?	16	information. There may be a specific task that
17	A Pepper spray, OC spray, and baton, a collapsible	17	they're asked to do during the briefing, for
18	baton.	18	example. So during the briefing when they come
19	Q Is the baton and the pepper spray basically the	19	in, somebody may say we have a priority task to do
20	two strongest pieces of equipment in terms of the	20	extra parking lot patrols or whatever. So they
21	force of the officers? Terrible way to ask it,	21	could get that in that format, or they could get
22	but do you know what I mean?	22	it in realtime as something that happened.
23	A Yes. In terms of the lethality, you know, yes,	23	Q So a typical day in the life of a security
24	those are the more serious more serious pieces	24	officer, he or she shows up for their shift, they
25	of equipment they carry.	25	get a briefing on things that are going on in the
	Page 103		Page 105
1	Q Officers aren't allowed to carry firearms in any	1	facilities, and then they also get certain
2	way, are they?	2	assignments over the communication devices that
3	A No, they are not.	3	they're expected to respond to?
4	Q Is that a policy?	4	A Correct.
5	A Yes, it's covered in not so much. It is	5	Q In addition to any sort of ongoing general job
6	covered in our department policy. It's also	6	duties that they might have?
7	covered by the Aurora policy about no guns in the	7	A Right. Some officers have specific assignments
8	workplace.	8	that they work on. Some are responsible for
9	Q Going back to the communication devices, what type	9	checking fire extinguishers. So they may have
10	of information is communicated over those devices?	10	specific tasks that they work on in the course of
11	A Well, for the radio, it's generally a two-way type	11	the day that is somewhat self-directed.
12	of communication. It would be either the dispatch	12	Q And the security officer basically couldn't do
13	center, another officer radio to radio at sites	13	their job without the briefing at the start of the
14	where you have multiple officers working	14	shift so that they would know circumstances that
15	simultaneously, or it could be the switchboard.	15	were going on that day?
16	So that's a realtime, two-way conversation.	16	A I wouldn't say they couldn't do their job. I
17	Obviously, cell phones, our cell phones, they	17	don't know if they would be effective if they
18	would be able to receive or send a call, make a	18	weren't getting the information they were provided
19	call. And pagers are pretty static, where they	19	at the beginning of their shift.
20	would need to receive a page either numeric, to	20	Q And they couldn't do their job without the
21	call a number, or possibly the pager set up for a	21	communication devices to find out what's urgent
22	text message.	22	and what's going on at the facility?
23	Q And what kind of information is the officer	23	A Again, I would think not that they couldn't do
24	getting over the communication device?	24	their job, but they couldn't do it very
25	A Could be any type. Could be a request to take an	25	efficiently if they weren't able to be

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	Page 106		Page 108
1	communicated to in realtime assignments, yes.	1	whether it was an emergent call, correct?
2	Q Right. It would be very inefficient if you had to	2	A They'd have to monitor it if it wasn't a static
3	sort of pass through word of mouth that there was	3	device like a cell phone or a pager. Otherwise,
4	a fire and that had to get to the security officer	4	they shouldn't be getting it, but yes. More often
5	without some sort of electronic communication	5	than not, the officer is carrying a radio, so he
6	device?	6	would need to monitor it or be able to hear it.
7	A Yes, with the exception some of our code	7	Q But they'd also have to monitor a pager as well as
8	situations would go overhead announcement, but	8	to make sure that he or she wasn't receiving a
9	that's presuming the officer was in a position to	9	page?
10	hear them.	10	A Yes, right. They'd need to be able to hear it.
11	Q The communication that is going over these	11	So the volume would have to be on, that sort of
12	devices, who is receiving that information?	12	thing, yes.
13		13	Q And being able to respond to emergency situations
14	Obviously the officer that has the device. Is	$\begin{vmatrix} 13 \\ 14 \end{vmatrix}$	
	anybody else receiving it?	15	is also a necessary function of the Aurora
15 16	A If there are multiple officers on, they're each	16	security officer's job, correct?
17	carrying a radio. They'll all hear the same		A Absolutely.
	transmission. So for example, at Sinai and Luke's	17 18	Q Is there ever a point in a Aurora security officer's shift where he or she would be allowed
18	and to a lesser degree, West Allis, where we have		
19	multiple officers working, the dispatcher can put	19	to be out of communication?
20	out a message to a specific officer giving him or	20	A Would you define out of communication? Being able
21	her an assignment would be heard by other officers	21	to hear?
22	carrying that radio so that they're not dedicated	22	Q That's a good way to say it. I would also say
23	to one officer, or it could be a group	23	where there would be no way for anyone in Aurora
24	notification such as a lost child. They'd all	24	to communicate with that officer?
25	hear simultaneously.	25	A The expectation is that if they're the only
		1	
	Page 107		Page 109
1	Q And other than the officers, whether it's the one	1	time that would we're talking about is if they're
1 2	Q And other than the officers, whether it's the one officer on duty or if there's two officers on	2	time that would we're talking about is if they're on their lunch hour, they would need to be able to
	Q And other than the officers, whether it's the one officer on duty or if there's two officers on duty, would anyone else receive that message?		time that would we're talking about is if they're
2	<ul><li>Q And other than the officers, whether it's the one officer on duty or if there's two officers on duty, would anyone else receive that message?</li><li>A Only ancillary if they happened to be to the</li></ul>	2	time that would we're talking about is if they're on their lunch hour, they would need to be able to monitor a call. So other than that, there's not a time limit.
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28 (Pages 106 to 109)

	Page 110		Page 112
1	things that, I think I used those in terms of	1	
2	these are the emergent-type situations that one	2	part of the production in this case. These are some of the ACT tracks from 2007, and I think
3	would expect a security officer to have as a	3	what we're looking at here is roughly the
4	priority call.	4	first 10 pages or so of a report that started on
5	Q And you've used the word or the term caregiver,	5	October 7th, 2007.
6	and I've seen that on some of documents. What is	6	A Okay.
7	a caregiver?	7	Q What I want to know about this type of document is
8	A It's basically our term for employee.	8	basically what is this, where does it come from,
9	Q So any employee of Aurora is a caregiver?	9	who creates it, and so on? So do you know how
10	A Correct.	10	this document is created?
11	Q And are the flip charts specifically for the	11	A This is that electronic activity tracking. This
12	security officers, or are they for all employees?	12	is the paper printout. They had electronic
13	A They're for all employees. That's the general	13	activity tracking software that we use. So this
14	response that explains what it is, and what basic	14	would reflect individual calls that a specific
15	precautions or response people need to take and	15	officer was assigned to. It indicates the start
16	then each department that has a designated role in	16	time that they did it, that they received the
17	responding to those situations, and I guess	17	call, when they arrived, when they completed it,
18	further training on those specifics.	18	and the total number of minutes, and then officer
19	Q Are the flip charts, are they specific to the	19	response time in minutes. If it was not an
20	facilities themselves, or are they more of a	20	immediate, then there would be a number there. If
21	general?	21	they immediately acknowledged and went on the
22	A They're fairly general, except they will be	22	call, there was a zero. And this is, again,
23	modified if one of the conditions that's covered	23	electronically captured at each site, and then we
24	isn't applicable. For example, we have a	24	are able to use this for a number of reasons,
25	condition pink, which is a theft of an infant. So	25	including to see where we're spending our time,
	Page 111		Page 113
1	if we have medical centers that don't have an	1	how much being able to quantify, for example,
2	infant or a newborn area, then that would be	2	how much time do we spend of officer time, opening
3	immaterial.	3	doors for people, or doing valuable handling so we
4	Q So certain things are omitted if they don't apply?	4	can kind of get an idea of the value of the
5	A Correct.	5	services we perform, where we're spending the most
6	Q I think I might have heard you say the security	6	time from a productivity standpoint.
7	officers are trained on these flip charts?	7	Q A managerial tool for you to use to make sure that
8	A Correct.	8	things are being done efficiently?
9	Q Who does that training?	9	A Yeah, efficiently, and just so we can see where
10	A Again, that would be part of the supervisory	10	we're spending our time. Efficiency would be is
11	responsible training to make sure that they	11	if we had a number of times where we were seeing
12	individually know what their role is in each of	12	the terrible responses because people were waiting
13	those conditions.	13	long periods of time. So from that perspective,
14	(Exhibit Nos. 4 through 5W marked for	14	efficiency, yes.
15	identification)	15	Q You had said these are the reports that we had
16	Q I am going to show you what has been marked as	16	talked about earlier. Are these a reflection of
17	Exhibit 4. These are the documents starting with	17	those IRMS reports?
18	bates stamp AUR-JB and then the number 77621. You	18	A No, these are just the activity. IRMS is the
19	had looked at these previously?	19	actual case report that an officer would write if
20	A Okay.	20	they were doing a follow-up to a specific event.
21	Q You've had a chance to take a look at these	21	These are routine matters like a door opening or a
	documents?	22	patient valuable.
22		1	
23	A Yes.	23	Q How is the information being entered into the
		23 24 25	Q How is the information being entered into the system in terms of a door opening? How does that get into this report?

29 (Pages 110 to 113)

	Page 114		Page 116
	_		
1	A At the site, the dispatcher would enter in that he	1	Exhibit 5 and Exhibit 4, everything that's in
2	dispatched Officer Smith for a door opening at	2	Exhibit 5 I'm sorry. Everything that's in
3	15:20. Here it's Officer Botticelli. He arrived	3	Exhibit 4 should in some way be on Exhibit 5 as
4	at 15:20, which means he got it right away. That	4	well; is that correct?
5	took him until 15:34 to complete that, and that	5	A That would be my expectation.
6	would be entered into the computer that's provided	6	Q But not everything that's on Exhibit 5 would make
7	to the officers as one of the software tools.	7	it's way into Exhibit 4?
8	Q And that's being done by the dispatcher, you said?	8	A Correct.
9	A It could be the dispatcher. At the sites where	9	Q What are some of the extra items that are listed
10	the officers work by themselves, they could keep	10	on Exhibit 5 that are not in Exhibit 4?
11	track of it in a blotter or a notebook, and then	11	A Well, some of them, like on the very first one,
12	come back and data enter it as the time permitted	12	Exhibit 5, it has the valuables, some specifics in
13	throughout the shift or at the end of the shift.	13	the valuables audits, which valuables envelopes
14	Q And this system, it's an Aurora system-wide system	14	were there, and that they were still there at the
15	that keeps track of that; is that right?	15	beginning of the shift. The money in the cash
16	A Correct.	16	envelopes were confirmed. There's more detail
17	Q And the software that's being used by the	17	here, which officers are working on that shift,
18	dispatcher or the security officer, whoever it may	18	and what radio and key number that they were given
19	be, it's the same type of software that they're	19	for that shift. That is not activity. That is
20	using to enter this information?	20	more informational, so that wouldn't be on there.
21	A Correct.	21	Without going through every single line item, the
22	Q Are the officers trained on how to do that?	22	only things that I would think that wouldn't be on
23	A Yes, they are.	23	here is if it wasn't necessarily an assignment,
24	Q By who?	24	but maybe something more informational than an
25	A Primarily well, the supervisor has the primary	25	assignment.
	Page 115		Page 117
1	responsibility, but oftentimes it would be the	1	Q Is that what these blotters are used for is
2	sergeant or even another officer would show	2	information?
3	another officer how to use the software.	3	A Well, it's a combination. It's for the
4	Q Would an officer put down a lunch break in this	4	information of we have a way of tracking back.
5	particular computer system?	5	So for example, we know on first shift, on
6	A No, because it wasn't an activity they were	6	Saturday, September 1st, which valuable envelopes
7	assigned to do.	7	were there, who checked them in, and that they
8	Q Those are all the questions I have for you on	8	•
0			were confirmed that we had all that property in
	Exhibit 4. I'm going to show you what has been	9	were confirmed that we had all that property in our possession and they were accounted for. So
9	Exhibit 4. I'm going to show you what has been marked as Exhibit 5, which has many sub parts.	9	our possession and they were accounted for. So
9	marked as Exhibit 5, which has many sub parts.		our possession and they were accounted for. So that would be informational. Then the other pages
9 10	marked as Exhibit 5, which has many sub parts. I think it goes from 5, 5A, and then the last one	10	our possession and they were accounted for. So that would be informational. Then the other pages of it show the documentation of what actually ends
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30 (Pages 114 to 117)

Page 118 Page 120 1 that officer might review them. So it could be a 1 an activity log during their shift? 2 number of people that would review these. I would 2 A Correct. An activity log is filled out for each 3 3 shift. It could be done by one officer or it very rarely review these routine documents unless 4 4 it was a specific issue I'd have to look at, like could be done by combination of officers to 5 5 a theft or a missing patient valuable. accomplish that. 6 Q You would be more likely to review the ACT track 6 Q Or a dispatcher? 7 7 reports in Exhibit 4 because those are more A Or a dispatcher. 8 8 managerial reports? Q I think you said this, but let me just make sure. 9 A That would be accurate. 9 Is it your expectation that every time an officer 10 Q And is there any information on these daily 10 would take a lunch, that that would be recorded on blotters about lunch breaks that officers would 11 11 these daily activity blotters? 12 take? 12 A My expectation would be because it would be good 13 13 to note, you know, for it to be documented. If in A My expectation would be that they would put that 14 in the daily blotter if somebody went to lunch, 14 the case where an officer is working all by 15 but that wouldn't be an assignment. So that 15 themselves for the shift, if they didn't put it 16 16 wouldn't necessarily be in the ACT track. in, I guess it wouldn't be as crucial only because 17 17 O If you took a minute, could you find me an it's not telling somebody else that they're not 18 example of where there's a note about a lunch in 18 available then. However they handled that, by 19 Exhibit 5? 19 calling the switchboard or whatever, might not be 20 20 (Discussion off the record) as important. That could be then captured in the 21 A For example, the second page of Exhibit 5 --21 Kronos if they didn't have a lunch. Otherwise, it 22 Q That has a bate stamp number of 77352 at the 22 would be presumed that they would have had a 23 23 bottom? lunch. 24 24 A Correct. The first two indications up there where Q That's all the questions that I have for you for 25 it says officer number 706 and officer 113 were at 25 Exhibit 5. Page 121 Page 119 1 1 (Exhibit No. 6 marked for lunch at a specific time. 2 2 O Thank you. Just to clarify a conversation that we identification) 3 3 had off the record, in general terms, what these Q Mr. Cummings, I'm showing you what has been marked 4 items are are the first and last pages of the 4 as Exhibit 6. Do you know what this document is? 5 5 various activity logs that were produced as part A Yes. 6 6 Q What is it? of the case, and those are stapled together first 7 7 and last. And so for example, Exhibit 5A is an A It's a paper copy of the employee handbook, dated 8 8 June 29th, 2009. activity log that we put together from the 9 9 documents produced starting with bates stamp Q Is this the most current version of that document? 10 number 71007 and going all the way to 75447. So 10 A To the best of my knowledge, it is, yes. 11 Q Is this an employee handbook for just security 11 these are not full copies of the activity logs, 12 officers, or is this for all Aurora caregivers or 12 but rather excerpts of various documents. 13 13 What it appears to me, in reviewing these something else? 14 A Well, the handbook is for all caregivers, but I 14 documents, is it appears that the same basic 15 15 information from various facilities is captured on notice that part of the pages in the back is the 16 16 policy manual specific for my department. So these reports, but each facility might have a 17 17 different style of the report. Does that make there's a combination of documents here. 18 Q Can you help me break this up then? 18 sense? 19 19 A Sure. It appears that up to the number on the A It does, and that's probably accurate. Each of 20 20 bottom right up to 000072 is the employee them can develop an activity log that works for 21 21 them in terms of how much additional information handbook, which is for all employees. And the 22 they're trying to capture and what makes sense for 22 document that starts 73 and beyond is either my 23 23 them in terms of managing the data. Q Might be more than one. 24 24 Q But the general idea is that all the security 25 officers in Aurora in some way or another fill out 25 A Yeah, more department-related policies and

31 (Pages 118 to 121)

	Page 122		Page 124
1	procedures, yes.	1	A That's correct.
2	Q So am I correct then that starting with 73 at the	2	Q I'm noting, if you turn to the second page of
3	bottom and going all the way to 170, those are all	3	Exhibit 8, which is bates stamped 77359, item
4	policies specific to the security officer	4	number 5 says meal periods must be at least 30
5	department?	5	minutes in length; do you see that?
6	A Policies or procedures, yes.	6	A Yes.
7	(Discussion off the record)	7	Q This appears to be a meal period policy,
8	(Exhibit No. 7 marked for	8	and there's meal period policies elsewhere in
9 10	identification)	10	Exhibits 6 and 7, I believe. Can you sort of explain to me which one of these policies was in
11	Q So Exhibit 6 is the employee handbook for all Aurora caregivers; is that correct?	11	effect, or is there a single policy?
12	A Correct.	12	A It's the same policy it's the same guidelines
13	Q And then Exhibit 7 is do you know what	13	or expectations, it's just in several places.
14	Exhibit 7 is?	14	Maybe for emphasis I know I put it in our policy
15	A It is policies and procedures specific to my	15	to make sure that officers get it as part of our
16	department.	16	policy, but our policy would be subservient to the
17	Q Are the training materials that we talked about	17	Aurora policy. They are not different. They're
18	earlier today, are those contained in Exhibit 7?	18	just reiterative.
19	A The training policy should be in there.	19	Q That was my question. If they were different, the
20	MR. SCULLEN: Go to 83.	20	one that would govern is the official Aurora
21	A Yes, starting with 000083 is the training.	21	policy; is that right?
22	Q Those are all the questions I have on those	22	A That's correct.
23	documents for now.	23	Q That's all I have for you on 8.
24	(Exhibit No. 8 marked for	24	(Exhibit No. 9 marked for
25	identification)	25	identification)
	Page 123		Page 125
1	Q Showing you what has been marked as Exhibit 8, do	1	
^			Q Then showing you what has been marked as
2	you know what this document is?	2	Q Then showing you what has been marked as Exhibit 9; do you know what this is?
3			
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3 4 5	you know what this document is? A Yes.	2	Exhibit 9; do you know what this is?  A It's a policy from the same manual titled payroll policy, number 77.  Q And again, this is part of the Aurora
3 4 5 6	you know what this document is?  A Yes.  Q What is it?  A It's the Aurora policy on nonexempt and exempt employees.	2 3 4	Exhibit 9; do you know what this is?  A It's a policy from the same manual titled payroll policy, number 77.  Q And again, this is part of the Aurora administrative manual or policy manual?
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	you know what this document is?  A Yes.  Q What is it?  A It's the Aurora policy on nonexempt and exempt employees.  Q Is this policy part of Exhibit 6 or Exhibit 7?  A I don't believe it's part of either of those.  It's a policy that's Aurora-wide, not specific to my department. So it wouldn't be in 7, and it's supportive of 6 as part of the employee handbook, but it's not part of the employee handbook.  Q Do you know where this document comes from? It's labeled policy number 176, so I'm assuming there's at least 176 policies somewhere?  A Yes.  Q Where is that?  A Well, there's a full Aurora administrative policy manual that covers at least 176 different topics, and it's available either electronically, and many departments probably have printed copies as well.  Q So there's the employee handbook, there's the specific security officer policies and procedures,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Exhibit 9; do you know what this is?  A It's a policy from the same manual titled payroll policy, number 77.  Q And again, this is part of the Aurora administrative manual or policy manual?  A Correct.  Q That's all I had on that.  (Exhibit No. 10 marked for identification)  Q Showing you what has been marked as Exhibit 10, do you know what this is?  A This looks like the table of contents for our system policy manual, which is clinical and administrative.  Q If I understand things correctly then, Exhibits 8 and 9 would both be a part of the full document that Exhibit 10 is the table of contents for?  A Yes.  (Exhibit No. 11 marked for identification)  Q Showing you what has been marked as Exhibit 11, do you know what this is? I'm sorry, this may be

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	Page 126		Page 128
1	_	1	
1 2	like a page from the policy manual not the policy manual, employee handbook on rest and meal	1 2	also used by exempt employees through either an editing function through the software or a
3	periods. And then I think some of these are the	3	phone-in option to account for when they're going
4	copies of the same or similar documents to those	4	to be taking paid time off or vacation time off.
5	in there's a couple documents here that look	5	Q So you would use Kronos for those functions?
6	like they were part of the packet that I've	6	A I would.
7	already seen that were my department's policies.	7	Q In terms of the security officers, you said they
8	And then I see a document in here that I don't	8	swipe in with a photo ID; is that right?
9	recall, may or may not have been in that, which is	9	A Yes. We have an ID card that has a photo ID. It
10	a new officer checklist, which would be used for	10	acts as Kronos card, access card, as well as, in
11	training, or to make sure officers are trained in	11	some sites, a debit card.
12	all these different, various tasks.	12	Q The photo IDs that are issued, are those the same
13	Q Where do all these documents who authored all	13	IDs issued system-wide?
14	these various documents; if you know?	14	A Yes.
15	A Combination of people. Some of these the	15	Q When is an officer issued his or her photo ID?
16	handbook is handled through human resources. Some	16	A Usually on the very first day of hire, the
17	of these documents were authored by me. Others	17	starting date. Not the starting date, but when
18	were authored by site or regional leadership that	18	they start, the very first day.
19	just support procedurally how they handle these	19	Q According to policies and procedures, when do they
20	things. So for example, the last one starting	20	swipe into the Kronos machine?
21	46659 is the I'm not sure I can determine just	21	A When they start their shift or when they end their
22	by looking at which site authored the specific way	22	shift or if they leave during their shift where
23	for tracking the tasks that the officers were	23	it's not paid time. If they're leaving the
24	being trained on because it doesn't have a header	24	building.
25	on it.	25	Q When are security officers instructed that they
	Page 127		Page 129
1	Q Ultimately, there's a number of meal period	1	have started their shift?
2	policies that are contained in here. Are these	2	A They start getting paid from when they Kronos it,
3	all subservient to the policy contained in the	3	when they swipe in.
4	Aurora policy manual?	4	Q I understand that. What I'm asking is when are
5	A Yes, and just a distinction, I see a procedure,	5	they supposed to do that?
6	not necessarily a policy, which is slightly	6	A I believe there's a set number of minutes they
7 8	different.  Q What's the distinction in your mind?	8	shouldn't be swiping in. They should swipe as close as possible to their scheduled start time,
9	A The distinction is policy is more kind of a thou	9	but they're probably given a minute or two leeway.
10	shalt, and a procedure is more of how you	10	Q Are there any activities that the officers are
11	accomplish it.	11	supposed to do before they swipe in?
12	Q Thank you. Let's talk about Kronos. What is	12	A No.
13	Kronos?	13	Q So the first thing they do when they get to the
14	A Kronos is our automated time and attendance	14	building is swipe in?
15	system.	15	A Correct.
16	Q And who uses Kronos at Aurora?	16	Q And that's the last thing they do when they leave
17	A To some degree, all caregivers could use Kronos.	17	at the end of their shift?
18	Q Can you walk me through how Kronos works?	18	A Correct.
19	A I'm not a subject matter expert on payroll	19	Q Are they instructed as to how to do that?
20	systems, but from a layman's standpoint, it's for	20	A Yes.
21	hourly employees. It allows their ID badge to be	21	Q And how is that done?
22 23	used for swiping when they arrive and when they	22	A I believe that's covered, to some degree, in new
23	leave, and when they start and stop working on a specific time, so that they can automatically have	23 24	employee orientation. Plus, if they have any questions, their supervisor or sergeant or even
25	their hours calculated for pay. And Kronos is	25	another officer could direct them. It's pretty
23	anon nours carculated for pay. And Monos is	<u> </u>	another officer could uncer them. It's pictty

33 (Pages 126 to 129)

	Page 130		Page 132
1		1	
1 2	simple.  Q We've talked about new employee orientation a	1 2	A It's just a report. It's nothing that I can
3	couple of times. Is that done just for security	3	manipulate or change. It's just kind of a static report that I can read. For the two-week pay
	officers?	4	
4	A No, it's done for all new hires.	5	period, by site, by job category, by officer or a
5 6		6	staff person, could be sergeant, on how many hours
7	Q And Aurora uses one Kronos system for the entire organization; is that right?	7	they were paid for, what their overtime is for the pay period, the date. Those sorts of things help
8	A That's my understanding. I think Aurora Advanced,	8	me control the budget.
9	which is one of our newer affiliates, wasn't on it	9	Q So when you get it, it's macro, and it's not a
10	initially. I believe they're on it now.	10	Word document, it's not an Excel spreadsheet.
11	Q Have you ever seen a report generated by Kronos?	11	What type of a document is it when you're looking
12	A Not that I can recall.	12	at it electronically?
13	(Discussion off the record)	13	A It's kind of a spreadsheet, but I don't know that
14	Q You had mentioned that if an employee leaves	14	it's Excel necessarily.
15	during his or her shift, that they would swipe out	15	Q It's certainly nothing that you have the ability
16	on the Kronos system; is that right?	16	to change?
17	A That's the expectation, yes.	17	A Correct.
18	Q And then swipe back in when they return to work?	18	Q Do you have to login to a system in order to get
19	A Correct.	19	access to that report?
20	Q Do you know if there is a report that would show	20	A Yes.
21	those ins and outs?	21	Q What system are you logging in to?
22	A That would be part of the Kronos report system.	22	A I'm logging in to the I-Connect and there's
23	Q And you haven't seen those reports, right?	23	various applications that managers can use, and
24	A Not that I can recall.	24	it's under web management reporting. And there's
25	Q As a part of your job in managing the security	25	a number of different reports I can get, and
	Page 131		Page 133
1	officers, how do you keep track as to how many	1	that's one of them.
2	hours are being worked at the various facilities?	2	Q Is one of the reports you can look at through the
3	A One of the tools that I can use is a label	3	I-Manage system a report that will tell you
4	distribution report. I can pull up biweekly that	4	whether employees were asking for credit back on
5	shows all the officers, how many hours they worked	5	lunches that they worked through?
6	in the last pay period, whether they were regular	6	A No.
7	hours, overtime hours, those sorts of things. It	7	Q Is there such a report anywhere in the system?
8	gives me an idea of how much overtime we're	8	A Not to my knowledge.
9	running. If it's over what we budgeted for, you	9	Q Is it your understanding that the Kronos system is
10	know, overtime is always a concern.	10	used for running payroll for security officers?
11	Q Where does that report come from?	11	A Yes.
12	A From the HRIS system, human resources information	12	Q Do you know who programmed the Kronos system?
13	system. I'm not sure exactly where it resides.	13	A I don't.
14	Q That's some sort of filtered data that's coming to	14	Q Is your understanding the same as mine, that for
15	you that has been produced by another department?	15	every eight and a half hour shift that a security
16	A Well, yeah, it has been, I guess, produced by	16	officer works, that a half-hour meal break is
17	another department would be accurate based on the	17	automatically deducted from their time?
18	information that goes through Kronos. I'm not	18	A I thought it was eight, but it could be eight and
19 20	sure whether it's payroll, to what degree payroll	19	a half, but there is an automatic deduction for
20	owns it or human resources owns it.	20 21	lunch period. I know the policy says for after six hours.
22	Q When it gets to you, does it show up electronically?	22	Q And you don't know who programmed that into the
23	A Yes, I get it electronically.	23	system?
24	Q And when you look at it, is it an Excel	24	A I do not.
25	spreadsheet or is it a different form?	25	Q The half-hour deduction is a uniform policy that
<u> </u>			2 - 110 11111 11011 accused in to a children ponely that

34 (Pages 130 to 133)

	Page 134		Page 136
1	all Aurora security guards are subject to,	1	fact, like a day after, and make a change without
2	correct?	2	some sort of an approval process by one up or
3	A Could you repeat that?	3	higher.
4	Q The automatic half-hour deduction, all the	4	Q Let's talk about your understanding of the Aurora
5	security officers are subject to that?	5	meal break policy for security officers. If
6	A Yeah. Given the number of hours, correct.	6	everything goes according to how it should on a
7	Q My understanding is you are not going to be	7	daily basis, how does an Aurora security officer
8	testifying about FLSA or State of Wisconsin wage	8	take a lunch break?
9	and hour compliance issues; is that right?	9	A Could you repeat it?
10	A Correct.	10	Q Just a lunch break, what do they do?
11	(Exhibit No. 12 marked for	11	A Well, depending if they're working alone,
12	identification)	12	obviously, there's self-directed decisions that
13	Q I'm showing you what has been marked as	13	they have to make. If they're working with a
14	Exhibit 12. Do you know what this is?	14	number of officers for example, if you have a
15	A It looks like it's a Kronos Practices document,	15	sergeant that's working with a number of officers,
16	outlining practices for caregivers that work out	16	one of the sergeant's responsibilities would be to
17	of the Aurora Medical Center in Oshkosh.	17	either assign or coordinate a lunch hour so that
18	Q Is there a document that's similar to this for all	18	they're don't overlapped, everybody is not gone at
19	Aurora facilities?	19	the same time.
20	A I'm not aware either way.	20	Other than that, if there's just two officers
21	Q Do you know who created this document?	21	working to coordinate between the two officers,
22	A I don't.	22	usually, unless it's something significant that we
23	Q Do you have any idea who would know that?	23	anticipate is going to happen, a supervisor,
24 25	A Since it's for all caregivers, it would be speculative, but I would imagine somebody in human	24 25	somebody would say We don't want you taking any lunch hours between this time and this time, we
23	speculative, but I would imagine somebody in numan	25	functi flours between tins time and tins time, we
		1	
	Page 135		Page 137
1	resources might know who created it if they	1	have something going on. It would be pretty much
2	resources might know who created it if they didn't.	2	have something going on. It would be pretty much self-directed in terms of when it was a normal
2 3	resources might know who created it if they didn't.  Q And you know that this is from Oshkosh because it	2 3	have something going on. It would be pretty much self-directed in terms of when it was a normal lunch hour period and business or the calls
2 3 4	resources might know who created it if they didn't.  Q And you know that this is from Oshkosh because it says For AMCO Caregivers? Is the O a designation	2 3 4	have something going on. It would be pretty much self-directed in terms of when it was a normal lunch hour period and business or the calls would allow for it.
2 3 4 5	resources might know who created it if they didn't.  Q And you know that this is from Oshkosh because it says For AMCO Caregivers? Is the O a designation for Oshkosh?	2 3 4 5	have something going on. It would be pretty much self-directed in terms of when it was a normal lunch hour period and business or the calls would allow for it.  Q Sort of the flip side of that, on days when
2 3 4 5 6	resources might know who created it if they didn't.  Q And you know that this is from Oshkosh because it says For AMCO Caregivers? Is the O a designation for Oshkosh?  A Yes, it is.	2 3 4 5 6	have something going on. It would be pretty much self-directed in terms of when it was a normal lunch hour period and business or the calls would allow for it.  Q Sort of the flip side of that, on days when officers aren't allowed to take a lunch break or
2 3 4 5 6 7	resources might know who created it if they didn't.  Q And you know that this is from Oshkosh because it says For AMCO Caregivers? Is the O a designation for Oshkosh?  A Yes, it is.  Q Thank you. Do you know who has the ability to	2 3 4 5 6 7	have something going on. It would be pretty much self-directed in terms of when it was a normal lunch hour period and business or the calls would allow for it.  Q Sort of the flip side of that, on days when officers aren't allowed to take a lunch break or they're interrupted during their lunch break,
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2 3 4 5 6 7 8 9 10 11 12 13	resources might know who created it if they didn't.  Q And you know that this is from Oshkosh because it says For AMCO Caregivers? Is the O a designation for Oshkosh?  A Yes, it is.  Q Thank you. Do you know who has the ability to make changes to the information collected by the Kronos system?  A You mean to edit individuals? There are probably a number. I know people up your chain within your department can make those changes. So a supervisor could change an officer's, a manager can change those below. I could change those below	2 3 4 5 6 7 8 9 10 11 12 13	have something going on. It would be pretty much self-directed in terms of when it was a normal lunch hour period and business or the calls would allow for it.  Q Sort of the flip side of that, on days when officers aren't allowed to take a lunch break or they're interrupted during their lunch break, what's the policy for getting credit back for that time? Strike that, not the policy, but what's the practical steps that they have to take to do that?  A They could go in and Kronos that they had no lunch. They're supposed to advise their leadership as to why to make sure that we're using it appropriately, but if they get called off their
2 3 4 5 6 7 8 9 10 11 12 13	resources might know who created it if they didn't.  Q And you know that this is from Oshkosh because it says For AMCO Caregivers? Is the O a designation for Oshkosh?  A Yes, it is.  Q Thank you. Do you know who has the ability to make changes to the information collected by the Kronos system?  A You mean to edit individuals? There are probably a number. I know people up your chain within your department can make those changes. So a supervisor could change an officer's, a manager can change those below, I could change those below me. Then obviously some in payroll could make an	2 3 4 5 6 7 8 9 10 11 12 13 14	have something going on. It would be pretty much self-directed in terms of when it was a normal lunch hour period and business or the calls would allow for it.  Q Sort of the flip side of that, on days when officers aren't allowed to take a lunch break or they're interrupted during their lunch break, what's the policy for getting credit back for that time? Strike that, not the policy, but what's the practical steps that they have to take to do that?  A They could go in and Kronos that they had no lunch. They're supposed to advise their leadership as to why to make sure that we're using it appropriately, but if they get called off their lunch and don't take it for whatever reason or if
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35 (Pages 134 to 137)

Page 138 Page 140 1 Q Maybe I misunderstood your answer. It sounded 1 get back to that officer and say What time did you 2 like you were describing two different ways that 2 leave? You never Kronos'd out, and then they can 3 3 edit adjustment because the officer can't go in this could happen. One would be in realtime, the 4 day they were interrupted, and one was some time 4 and do it after the fact themselves. 5 5 subsequent to that day; did I understand that? Q What types of things are they reviewing in terms 6 6 A Yeah. If an officer is at their lunch and it gets of these canceled lunches? 7 7 interrupted and they should alter it so that they A Well, they would be looking to see if there was a 8 8 can start their lunch over or get paid if they valid reason for it. Not that they wouldn't still 9 9 get paid, but whether was it necessary from the didn't take a lunch, they can do that themselves 10 on that day. If they forgot to do it, then they 10 standpoint of, you know, that we want you to take would need to advise their supervisor or somebody 11 your lunch hour. So are you necessarily getting 11 12 to make that Kronos edit to say two days ago you 12 your lunch hour interrupted? What are other 13 13 didn't get lunch because you got called off, and options? Certainly from a cost control 14 you forgot to make the adjustment. 14 standpoint, we don't want to be incurring 15 Q If an officer is interrupted during their lunch, 15 additional cost for the organization because 16 later in the shift is unable to make up that time, 16 they're not getting their lunch hour. So there's 17 17 a number of reasons of what they would be looking they can make a self-edit to the Kronos system? 18 A That's my understanding, yes. 18 19 Q Does anything else have to happen in order for 19 Q Do the supervisors or sergeants then follow up 20 20 that to be approved? with the officers to talk to them about why they 21 21 were not taking a lunch? A Well, at the end of the pay period, the supervisor 22 somewhere above approves the Kronos to make sure 22 A Yeah, especially if there was a pattern. If there 23 23 was one missed lunch occasionally, maybe the that these are accurate. So yeah, there's an 24 24 approval process that happens after the fact, but supervisor wouldn't necessarily follow up if they 25 25 had firsthand knowledge that on Wednesday it was a it's more approved to send a message to payroll, Page 139 Page 141 Yeah, this is all accurate, go ahead and pay it, 1 crazy, crazy day, and they noticed that the 1 2 2 and that everybody signed it for the times they're officer didn't have a lunch on Wednesday. There 3 supposed to if they forgot to sign out their 3 might be no reason to follow up if it would have 4 Kronos for paid time off or vacation or something. 4 been just normal day or there were three days that 5 5 But from the standpoint of a lunch hour, if it's particular week, and none of them were known by 6 б the supervisor to be very busy, and yet an officer after the fact, there's no real approval needed. 7 In fact, it's not ever canceled. You didn't get a 7 had no lunch three times, I would expect they 8 8 would follow up and say What's going on? How come lunch, you get paid for it. So using the word 9 approval, I just wanted to distinguish between 9 you're not getting your lunch in? (Recess taken) 10 approval of the fact that if an officer didn't get 10 11 lunch, they get paid for it, period, or if they 11 Q Mike, we're just about done. Can you walk me 12 12 got interrupted and didn't get back to take a full through for a security officer that wants to do 13 13 one of those auto corrections for not being able lunch hour. 14 14 to take a lunch during a particular day, can you So the other approval is just letting payroll 15 15 know that somebody has looked this all over, and walk me through what they physically have to do in 16 16 order to make that happen? to the best of their ability and knowledge, this 17 17 looks accurate so they can close it out and pay A I can't. 18 18 everybody. Q Who could? 19 Q What types of things are the sergeants or 19 A Probably anybody other than -- a supervisor could. supervisors reviewing in terms of reviewing for 20 20 I only have one direct -- out of all of my direct 21 21 accuracy? reports, only one of them is hourly, and she's so 22 22 meticulous, I don't think I had to correct A To make sure somebody didn't forget to swipe out 23 23 at the end of the day. So otherwise, somebody anything. I have the luxury, when I correct or 24 24 swiped in at 7:00, left kind of in a hurry, approve Kronos at the end of a two-week pay 25 forgot, never swiped out at 3:30, they'd need to 25 period, I have all exempt people, so I couldn't

36 (Pages 138 to 141)

actually tell you the physical steps they go through.  Q So what I'm asking is from a physical standpoint for the officer to swipe the eard with the system and all of that, what do they do to mark a no lunch? A If they never got a lunch as opposed to got interrupted, I believe they would have to tell their supervisor, who would have to override it. I don't know if they can physically do it themselves. They may be able to. I really am ignorant on that physical thing of how they do it. If they swiped out to go to lunch because let's say they were going off site, which is the only time they would have to do that, when leaving the premises, and then they got called and came back, then they would again have to go — they would swipe back in that they were back in, but then they would to have it adjusted to show that they complete 30 minutes, if that answers your question. I just don't know the physical things that they do other than swiping.  Q That's really what my question was. So if you  Tage 143  A If wouldn't be so dependent on whether they remained that true regardless of whether they remained on premises, as it was if they were other make sure;  I that your expectation would be hat security officers would onte when they went on lunch.  A It wouldn't be so dependent on whether they remained on premises, as it was if they were other make sure;  I that your expectation would be hat security officers and they premises on not?  A It wouldn't be so dependent on whether they working alone and they needed to make sure;  I	that I owe
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8 A If they never got a lunch as opposed to got interrupted, I believe they would have to tell their supervisor, who would have to override it. I don't know if they can physically do it themselves. They may be able to. I really am ignorant on that physical thing of how they do it. If they swiped out to go to lunch because let's say they were going off site, which is the only time they would have to do that, when leaving the premises, and then they got called and came back, then they would again have to go they would swipe back in that they were back in, but then they would to have it adjusted to show that they should be paid for that block that was not a complete 30 minutes, if that answers your question. I just don't know the physical things that they do other than swiping.  20 That's really what my question was. So if you  Page 143  don't know, you don't know.  Page 143  don't know, you don't know.  MR. SCULLEN: The payroll person and/or Dawn they physically cancel when they swipe out at the end of the day.  MR. PARSONS: That's all we have for you.  EXAMINATION  By Mr. Scullen:  A If they swiped out to go to lunch because let's would expect that they were off premises, wouldd expect that they would be logged in so would expect that they would be logged in so would expect that they would be logged in so would expect that they would be logged in so would expect that they would be logged in so would expect that they would be logged in so would expect that they would be logged in so would expect that they would be logged in so would expect that they would be logged in so would expect that they would be logged in so would expect that they would be logged in so would expect that they would the logged in so would expect that they would the logged in so would expect that they would the logged in so would expect that they would exp	I we
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10 Q Mike, I believe you testified earlier that you had 10 2040 the City of Milwaykee, County of Milwaykee, or	nd
responsibility for all loss prevention of security 11 State of Wisconsin the following named person to	
I I I WIT MIT HAEL R U DIVINUINTS WHO WAS DV ME HILL	y sworn
affiliates or subsidiaries. Are there any  offiliates or subsidiaries which fell outside your  13 to testify to the truth and nothing but the truth of	
affiliates or subsidiaries which fall outside your  15 his knowledge touching and concerning the matters in	
purview?  15 controversy in this cause; that he was thereupon	
16 A Yes, in terms of the staff. The Aurora Advanced carefully examined upon his oath and his examination	
facilities that joined us in 2008, they have their reduced to typewriting with computer-aided	
own small number of security officers and/or  18 transcription; that the deposition is a true record	
contract staff. When I said that I have 19 of the testimony given by the witness; and that	
responsibility for all of Aurora and to respond to 20 reading and signing was not waived.	
the facilities, we can assist them from time to  21 I further certify that I am neither	
time if they need it, but that's very rare. So  22 attorney or counsel for, nor related to or employed	
that small number of individuals, I have no  23 by any of the parties to the action in which this	
24 contact or responsibility for.  25 O I have a question about Exhibit 5. You testified  26 deposition is taken and further that I am not a  27 relative or employee of any attorney or counsel	
25 Q I have a question about Exhibit 5. You testified 25 relative or employee of any attorney or counsel	

37 (Pages 142 to 145)

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<ul> <li>employed by the parties hereto or financially</li> <li>interested in the action.</li> </ul>	
3 In witness whereof I have hereunto s 4 hand and affixed my notarial seal this 10th of	et my day of
5 December 201 6 Black Hillson	$\supset$
Notary Public, State of Wiscon	sin
<ul> <li>Registered Professional Report</li> <li>My commission expires         April 21, 2013     </li> </ul>	er
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Deposition of: Rita C. Klopf

Date: December 6, 2010

Case: Jerry A. Brabazon v. Aurora Health Care, Inc.

Printed On: December 10, 2010

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Excellence in Court Reporting

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF WISCONSIN

JERRY A. BRABAZON, individually, and on behalf of all others similarly situated,

Plaintiff,

v.

Case No. 2:10-CV-00714

AURORA HEALTH CARE, INC.,

Defendant.

DEPOSITION

RITA C. KLOPF

Milwaukee, Wisconsin December 6, 2010

Brandé A. Browne, RPR, CRR Registered Professional Reporter

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FOR THE RECORD, INC. / MADISON, WISCONSIN / (608) 833-0392 Case 2:10-cv-00714-JPS Filed 01/18/11 Page 41 of 74 Document 35-1

	Т	
Page 2		Page 4
1 INDEX	1	RITA C. KLOPF,
2 Witness Pages 3 RITA C. KLOPF	2	called as a witness, being first duly sworn,
4 Examination by Mr. Parsons 4	3	testified on oath as follows:
5	4	
6 7	5	EXAMINATION
8 EXHIBITS	6	By Mr. Parsons:
9 No. Description Identified 10 20 Aurora active security officers' 16	7	Q Good afternoon, Ms. Klopf.
logins and logouts	8	A Yes.
11	9	Q My name is Bill Parsons. I'll be taking your part
21 Aurora current security officers' 23 12 logins and logouts	10	of the 30(b)6 deposition today. Have you ever
13 22 Aurora terminated security officers' 27	11	been deposed before?
logins and logouts	12	A I was once about 15 years ago.
23 AUR-JB 1-6 28	13	Q What was that related to?
15	14	A It was for a car accident.
24 Pay information for security officers 28	15	Q General ground rules for depositions probably the
25 Pay information for security officers 29	16	same as they were back then. The court reporter
17 26 Punch detail reports 30	17	can only take down one person's testimony at a
18	18	time. So I'll try not to speak over you if you'll
27 Loss prevention officers document 31	19	do the same for me.
19 20	20	A Okay.
(The original exhibits were attached to the original	21	Q When I ask you a question, if you answer, I'm
transcript and copies were provided to counsel)	22	going to assume you understood what I meant.
23	23	A Okay.
24	24	Q If you don't, please ask me to clarify, and I'll
(The original deposition transcript was filed with Attorney William E. Parsons)	25	be happy to do that; is that fair?
Page 3		Page 5
DEPOSITION of RITA C. KLOPF, a witness of lawful age, taken on behalf of the Plaintiff,	1	A Yes.
wherein Jerry A. Brabazon is Plaintiff, and Aurora	2	Q The other rule is that the court reporter can only
4 Health Care, Inc. is Defendant, pending in the	3	take down verbal answers from you or from me,
5 United States District Court for the Eastern 6 District of Wisconsin, pursuant to notice, before	4	questions from me. So I'll ask no head nods or
7 Brandé A. Browne, a Registered Professional Reporter	5	uh-huh. If you would please just speak the answer
8 and Notary Public in and for the State of Wisconsin,	6	that you intend to give.
9 at the offices of Quarles & Brady, LLP, Attorneys at	7	A Okay.
10 Law, 411 East Wisconsin Avenue, Suite 2040, City of 11 Milwaukee, County of Milwaukee, and State of	8	Q Thank you. Would you please give your full name
12 Wisconsin, on the 6th day of December 2010,	9	for the record?
commencing at 4:10 in the afternoon.	10	A My name is Rita C. Klopf.
A P P E A R A N C E S	11	Q And what's your date of birth?
15	12	A 5/13/53.
16 WILLIAM E. PARSONS and DAVID C. ZOELLER, Attorneys,	13	Q Where do you live?
for HAWKS QUINDEL, S.C., Attorneys at Law, 222 West Washington Avenue, Suite 450, Madison,	14	A I live in Pewaukee.
17 222 West Washington Avenue, Suite 450, Madison, Wisconsin 53701-2155, appearing on behalf of	15	Q Can you give me your home address?
18 the Plaintiff.	16	A W283 N2187 Beach Road.
19 SUMMER H. CARLISLE and LYNN M. NOVOTNAK, Attorneys,	17	Q Thank you. Can you give me your educational
for HAWKS QUINDEL, S.C., Attorneys at Law, 700 West Michigan, Suite 500, Milwaukee,	18	background going back to high school?
Wisconsin 53201-0442, appearing on behalf of	19	A Graduated from Cudahy Senior High School.
21 the Plaintiff.	20	Q What year?
22 SEAN M. SCULLEN, Attorney,	21	A 1971.
for QUARLES & BRADY, LLP, Attorneys at Law, 23 411 East Wisconsin Avenue, Suite 2040,	22	Q Did you obtain additional education beyond your
Milwaukee, Wisconsin 53202-4426, appearing on	23	high school education?
24 behalf of the Defendant.	24	A Yes, I did. I went to night school and received
25 Also present: Dawn E. Faucett	25	an associate's degree in supervision and

2 (Pages 2 to 5)

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1	management from MATC.	1	operational, more or less a database administrator
2	Q What year was that?	2	to make sure everything is in sync. The hours are
3	A I think I finished it in 1996.	3	interfaced properly. I do support on our HRIS
4	Q And any additional formal education beyond the	4	system mainframe to make sure that the system is
5	associate's degree?	5	paying people properly. So I take it from the
6	A No.	6	front end of the time entry to make sure it's
7	Q Do you have any certifications?	7	interfaced correctly, to make sure it's posted
8	A No.	8	properly, and to make sure our caregivers are paid
9	Q Do you have any licenses?	9	appropriately.
10	A No.	10	Q Today, I'm going to show you what has been
11	Q You're currently employed with Aurora; is that	11	previously marked as Exhibit 1. It's right on
12	correct?	12	top. Wonderful. Have you seen this document
13	A Yes, it is.	13	before?
14	Q And your job title is the manager of payroll	14	A I saw parts of it. Yes, I have seen this.
15	systems?	15	Q Certain people from Aurora have been designated to
16	A Correct.	16	testify as to certain topics on this list. Do you
17	Q How long have you been in that particular job	17	know which items you're going to be testifying to?
18	title?	18	A Probably 3 and 4. I would say 3 and 4 would be
19	A I've been a manager since May of 2005.	19	the areas.
20 21	Q And what was the role that you were in I'm	20	Q Let's talk about topic area number 4, which is
22	sorry, did you work for Aurora prior to that?	21 22	Aurora's payroll system. What qualifies you to testify as to that particular topic?
23	A Yes, I did.  O What was the role you were in prior to that?	23	A In the payroll department, I probably have the
24	<ul><li>Q What was the role you were in prior to that?</li><li>A Previous to that, I was the payroll coordinator.</li></ul>	24	best knowledge of how everything works together
25	Q For about how long?	25	with the interfacing of the hours, how the pay
23		23	
	Page 7		Page 9
1	A I started that in October of '95.	1	practices are administered through the HRIS
2	Q When did you start working for Aurora altogether?	2	system, shift differentials, weekend premiums, as
3	A I started working for Aurora in October of '95. I	3	to how the system actually pays the employees
4	previously had been working for Trinity Hospital,	4	based on what we interface, so I would probably
5	which became St. Luke's South Shore, through an	5	have the best experience. I'm the person people
6	affiliation.	6	go to when they can't quite figure something out.
7	Q In your entire career, how many years of	7	So I'm the resource.
8	experience would you say you have with payroll	8	Q You are the person I want to talk to. Does Aurora
9	work?	9	process its payroll internally, or does it
10	A With payroll, I started in 1971 at Trinity, and I	10	contract with a third party?
11	started with an IS background, and we used to	11	A Internally.
12	process the payroll for Trinity. And then we	12	Q And it has done that for at least the last three
13 14	automated using Kronos, I believe, in 1983, and I	13 14	or four years? A Yes.
15	was the point person for that automation, so I pretty well coordinated that.	15	
16	Q It's the same Kronos system that Aurora uses now?	16	Q Who is the person at Aurora who's responsible for processing the payroll?
17	A It's the same company, but it's different releases	17	A It's a hard answer. There's no one person. We
18	of software running on different platforms.	18	basically we'll call it to say the payroll is
19	Q Can you tell me your job duties as the manager of	19	complete. All the hours are interfaced. We will
20	payroll systems?	20	then call the IS department operations, and they
21	A As the manager of payroll systems, I oversee to	21	will start the job process of running it. So it
22	make sure that our 30,500 plus employees, the	22	would be probably the lead in the department is
23	automated portion of Kronos time and attendance.	23	usually the person to make that call, you know.
24	We have a web entry, out time entry or input of	24	Q Who's currently the lead?
25	nonproductive hours, to make sure that it's all	25	A Rose Kitzerow, K-i-t-z-e-r-o-w.
<b>∠</b> 5	nonproductive hours, to make sure that it's all	25	A Kose Kitzerow, K-1-t-z-e-r-o-w.

3 (Pages 6 to 9)

Page 10 Page 12 1 Q Does Ms. Kitzerow report to you? 1 for you. I'm not going to let you in there. 2 A Laterally. She reports to Mari van Lieshout, who 2 Q Is there an intermediary program between Kronos 3 3 and Aurora's ability to process payroll? is the manager of the payroll department. 4 Q Is that who you report to? 4 A No. We have interface files that will take the 5 5 A No, I do not. data summarized by the pay period by different pay 6 Q Who do you report to? 6 codes. That information will go directly to the 7 A Tom Ewing. 7 HRIS system. We run a validity check to make sure 8 8 Q Who's Tom Ewing? there's no bad labor levels. Anything that is 9 A He's the vice president of financial operations. 9 real outstanding, someone's time has not been Q Who reports to you? 10 interfaced at all, it will check those sorts of 10 A No one specifically. I don't have -- I cross -- I 11 11 things. But it goes directly from Kronos right 12 don't have a person who reports directly up to me. 12 over to the HRIS system. 13 13 It's more or less across responsibility. So the Q You weren't here, but we previously talked a 14 entire payroll staff would report to me, kind of a 14 little bit about the HRIS system. We've got 15 15 Kronos records, and then there's, I'm assuming, 16 16 some sort of payroll records; is that correct? Q As you would report to them? 17 17 A Yes. A Correct. 18 Q Kronos is the system that Aurora uses to keep 18 Q What format are payroll records kept in? 19 19 track of hours, and that information is what turns A There are copies of the payroll records as to like 20 20 into the basis of how people are paid; is that pay statement information, basically a payroll 21 21 right? register, that we keep on microfiche for the very 22 22 old things. We have online microfiche. It's an A Correct. 23 23 O How is the Kronos information captured? optical file that you can go in and query and pull 24 A We have three methods of capturing the data. One 24 off data. I also have access to some of the pay 25 25 method is through badge readers, where the information in database files for some history. Page 13 Page 11 Q In terms of the security officers that Aurora has 1 employee will take their badge, based on the 1 2 2 barcode on the back of the badge, will swipe in, employed for the last three years, would their 3 3 swipe out, indicated department transfers, if payroll information be on microfiche or would it 4 that's applicable, a canceled meal if they did not 4 be in Excel format? 5 5 get their lunch. Those are to be done on the A The payroll information is on microfiche. Some of 6 site. We also have a telephone system that 6 the data is on -- in a database file that that 7 7 employees can use if they're at a site that information could be queried against. 8 8 doesn't have a badge reader or they have forgotten Q How long does Aurora preserve its payroll 9 their badge, or maybe it's inconvenient on the 9 documents? 10 other side of the building, so they can use the 10 A We have access to the data back seven years, I 11 telephone system to login and logout. 11 believe. I believe it's seven years. 12 12 During the last three years, we did have two Q You just mentioned a database. What's the name of 13 different methods on the phone system. We had a 13 that database? 14 14 conversion, I believe, in December of '08, that we A It's part of our HRIS system. It is not like an 15 converted to a different phone system, but it was 15 Oracle database or anything like that. Our HRIS 16 basically the same thing. You could do exactly 16 system is homegrown, written. The database does 17 17 not have a name. It's not like it's an Oracle the same. 18 18 Q All of those records, whether you're swiping in database. Q Are you using the term database and HRIS 19 with a card or calling in on the phone, that's all 19 20 20 going into the Kronos system, and if I wanted a interchangeably? 21 report that gave me all that information, I can 21 A Yes. The database of different history files make 22 get it, right? 22 up our HRIS system. 23 23 What information is kept in the database in terms A Correct. 24 24 of payroll information, and how far back is it Q Are you the person who can tell me how to do that? 25 A You couldn't get it, but I would probably get it 25 kept?

4 (Pages 10 to 13)

	Page 14		Page 16
1	A It depends on the piece of data. Some of the job	1	canceled lunch?
2	history that people are in, that is kept I've	2	A Correct.
3	seen up to 10 years of job history as we migrated	3	Q What's the name of the phone system you were
4	through upgrades. So if you were going to find	4	talking about?
5	out what job someone was in 10 years ago, I could	5	A The phone system is TTE. That is the current
6	tell you what their position was. But to get back	6	phone system. It is a product that we purchased
7	to pay statement, payroll registers, that goes	7	from Kronos, I'd say, about three years ago.
8	back we usually keep those files seven years.	8	Sometimes it's referred to as IVR. That was the
9	Q One of the questions we've had today about the	9	old one.
10	Kronos system is if an employee is a security	10	Q Is IVR able to produce records?
11	officer, if a security officer wants to indicate	11	A The records are all strictly in Kronos. In
12	on the Kronos system that he or she did not take a	12	Kronos, it's stored.
13	lunch that day or was unable to take an	13	Q I have a bunch of spreadsheets that I received as
14	uninterrupted lunch, do you know physically how	14	part of document production here.
15	that person would do that?	15	A Do you?
16	A Yes, I do.	16	Q I think you're the person to tell me about them.
17	Q Can you explain that to me?	17	(Exhibit No. 20 marked for
18	A There's three different ways that an employee can	18	identification)
19	indicate that they did not get their lunch for the	19	Q I'm showing you, Ms. Klopf, what has been marked
20	day. The first, they can do at the badge reader	20	on the back, the very last page on the back as
21	on the way out the door. Before they exit out,	21	Exhibit 20.
22	before they logout for the day, there's a function	22	MR. SCULLEN: You want to identify
23	key at the badge reader, F1 on the older style	23	the bates range?
24	badge readers. It's indicated as a canceled meal.	24	MR. PARSONS: Yeah, the bates range
25	They press the function key, swipe their badge	25	is 1107 and then consecutively until 1113 and
	Page 15		Page 17
1	once to cancel their meal. They swipe out a	1	then an out of sequence page labeled 2184 at
2	second time to logout for the day.	2	the end.
3	Q And the Kronos system is set up to automatically	3	Q Do you know what this document is?
4	deduct a half-hour for lunch unless something like	4	A Yes.
5	that occurred?	5	Q What is this?
6	A Correct. The second way that the employee could	6	A This is a list of all of the log ins and log outs
7	have indicated would have been over the telephone.	7	for the various employees. So I took a list of
8	They could have indicated a clock code saying that	8	employees, produced all of their time
9	they have canceled their meal. It's a clock code	9	transactions. These would have been transactions
10	zero. By doing a clock code zero, pound, pound,	10	entered at the badge reader or over the phone.
11	and then a clock code 1 following that, that will	11	Q Do you know who generated this for document
12	cancel their meal and log them out for the day.	12	production?
13	The third way that a caregiver could indicate that	13	A I did.
14	they did not get their meal, if they forgot to do	14	Q And who instructed you to do that?
15	it at the clock or when they were reviewing their	15	A I received the request from Dawn Faucett.
16	Kronos, we've given caregivers the opportunity	16	Q And if I'm looking at this, Exhibit 20, at the top
17	no, the function to review their time records	17	it says Aurora Active Security Officers, 8/20/07
18	right on I-Connect.	18	to 10/4/2010. What does that mean? What people
19	They could communicate to their manager	19	were on this list?
20	through an edit login the department, or some	20	A This is a list of the security guards. I received
21	method of communication between the employee and	21	a list of all of the security guards from Dawn, a
22	the editor indicating that they were not able to	22	list of active and terminated security guards, and
23	get their half-hour lunch for the day.	23	I provided the list of all the clock entries for
24 25	Q And Kronos can create a report that would indicate the days that employees worked and when they	24 25	these people for that time period.
د ے	the days that employees worked and when they	ردم	Q So the folks on this spreadsheet were actively

5 (Pages 14 to 17)

	Dama 10		Dama 20
	Page 18		Page 20
1	employed by Aurora as of October 4th, 2010; is	1	their PTO time over the phone, at the badge
2	that right?	2	readers, and through the I-Connect system also.
3	A Yes.	3	Q Is there a document that has a list of all the
4	Q And there's a bunch of columns in here. I know	4	different types?
5	what most of them mean, but let me just make sure.	5	A There is a document I used for my Kronos class
6	The second column from the left is called time,	6	that I give to my editors to explain these codes
7	and on the first for Lewis L. Adams, it has 6:56	7	to them. It's nothing in the policy or anything
8	and then below that 15:31?	8	like that. There is one other type, and that is
9	A Right.	9	on 2184.
10	Q What are those two	10	Q Okay.
11	A Those are two time transactions that I received	11	A There's a type G, which indicates to me that the
12	from Lewis. It's saying that on September 15th,	12	employee has canceled their meal, and that
13	2009, I have a login at 6:56 and then I have	13	indicates that this employee you'll see the
14	another login at 15:31.	14	IVR 1, 2, and 3. That means that they are using
15	Q Login or logout?	15	the phone system and they are using a tie line
16	A There is no difference to the employee whether it	16	from that site. A tie line would be a direct dial
17	is a login or logout. It is the sequence that	17	so they don't have to do like a seven-digit
18	they are received. So if the 6:56 was received	18	telephone number. They'd do like a code 88 and
19	before the 15:31, it sequentially posts these	19	then the extension, and that's why it has the
20	records.	20	designation of IVR 1, 2, or 3.
21	Q So it looks like based on this, Mr. Lewis clocked	21	Q There's a column that says org area. What does
22	in 6:56 in the morning and presumably clocked out	22	that mean?
23	at 3:31 in the afternoon on that date?	23	A That is just the organization in the area of the
24	A Correct.	24	caregiver. It just tells me what department
25	Q And that would have been recorded based on him	25	they're in. This is the security department.
	Page 19		Page 21
1	Page 19 A Swiping at a badge reader.	1	Page 21 That's what a 5056002 is.
1 2		1 2	
	A Swiping at a badge reader.		That's what a 5056002 is.
2	<ul><li>A Swiping at a badge reader.</li><li>Q Got it. If you go over a little bit further,</li></ul>	2	That's what a 5056002 is.  Q Looking at 2184, that you had just pointed out,
2 3	<ul> <li>A Swiping at a badge reader.</li> <li>Q Got it. If you go over a little bit further, there's a column that says employee number, and I'm assuming that we're looking at Mr. Lewis's</li> </ul>	2 3	That's what a 5056002 is.  Q Looking at 2184, that you had just pointed out, James Leranth, the one from November 11th, 2009
2 3 4	<ul><li>A Swiping at a badge reader.</li><li>Q Got it. If you go over a little bit further, there's a column that says employee number, and</li></ul>	2 3 4	That's what a 5056002 is.  Q Looking at 2184, that you had just pointed out, James Leranth, the one from November 11th, 2009 with a G, which you're saying means canceled
2 3 4 5	A Swiping at a badge reader.  Q Got it. If you go over a little bit further, there's a column that says employee number, and I'm assuming that we're looking at Mr. Lewis's employee number?	2 3 4 5	That's what a 5056002 is.  Q Looking at 2184, that you had just pointed out, James Leranth, the one from November 11th, 2009 with a G, which you're saying means canceled lunch. In the column to the far right, it says
2 3 4 5 6	<ul> <li>A Swiping at a badge reader.</li> <li>Q Got it. If you go over a little bit further, there's a column that says employee number, and I'm assuming that we're looking at Mr. Lewis's employee number?</li> <li>A Correct.</li> </ul>	2 3 4 5 6	That's what a 5056002 is.  Q Looking at 2184, that you had just pointed out, James Leranth, the one from November 11th, 2009 with a G, which you're saying means canceled lunch. In the column to the far right, it says number canceled lunch. What does that mean?
2 3 4 5 6 7	<ul> <li>A Swiping at a badge reader.</li> <li>Q Got it. If you go over a little bit further, there's a column that says employee number, and I'm assuming that we're looking at Mr. Lewis's employee number?</li> <li>A Correct.</li> <li>Q And then there's clock. What is that telling us?</li> </ul>	2 3 4 5 6 7	That's what a 5056002 is.  Q Looking at 2184, that you had just pointed out, James Leranth, the one from November 11th, 2009 with a G, which you're saying means canceled lunch. In the column to the far right, it says number canceled lunch. What does that mean?  A I believe Nicci, who was preparing these documents
2 3 4 5 6 7 8	<ul> <li>A Swiping at a badge reader.</li> <li>Q Got it. If you go over a little bit further, there's a column that says employee number, and I'm assuming that we're looking at Mr. Lewis's employee number?</li> <li>A Correct.</li> <li>Q And then there's clock. What is that telling us?</li> <li>A That is a designation of clock that he has used.</li> </ul>	2 3 4 5 6 7 8	That's what a 5056002 is.  Q Looking at 2184, that you had just pointed out, James Leranth, the one from November 11th, 2009 with a G, which you're saying means canceled lunch. In the column to the far right, it says number canceled lunch. What does that mean?  A I believe Nicci, who was preparing these documents matched them to the punch detail to say this was
2 3 4 5 6 7 8 9	<ul> <li>A Swiping at a badge reader.</li> <li>Q Got it. If you go over a little bit further, there's a column that says employee number, and I'm assuming that we're looking at Mr. Lewis's employee number?</li> <li>A Correct.</li> <li>Q And then there's clock. What is that telling us?</li> <li>A That is a designation of clock that he has used. This one at 6:56 is in the lower level of site 40</li> </ul>	2 3 4 5 6 7 8 9	That's what a 5056002 is.  Q Looking at 2184, that you had just pointed out, James Leranth, the one from November 11th, 2009 with a G, which you're saying means canceled lunch. In the column to the far right, it says number canceled lunch. What does that mean?  A I believe Nicci, who was preparing these documents matched them to the punch detail to say this was number 48 on this employee. This is like a
2 3 4 5 6 7 8 9	<ul> <li>A Swiping at a badge reader.</li> <li>Q Got it. If you go over a little bit further, there's a column that says employee number, and I'm assuming that we're looking at Mr. Lewis's employee number?</li> <li>A Correct.</li> <li>Q And then there's clock. What is that telling us?</li> <li>A That is a designation of clock that he has used. This one at 6:56 is in the lower level of site 40 near telecommunications. The one at 15:31 was</li> </ul>	2 3 4 5 6 7 8 9	That's what a 5056002 is.  Q Looking at 2184, that you had just pointed out, James Leranth, the one from November 11th, 2009 with a G, which you're saying means canceled lunch. In the column to the far right, it says number canceled lunch. What does that mean?  A I believe Nicci, who was preparing these documents matched them to the punch detail to say this was number 48 on this employee. This is like a cross-referenced number.
2 3 4 5 6 7 8 9 10	<ul> <li>A Swiping at a badge reader.</li> <li>Q Got it. If you go over a little bit further, there's a column that says employee number, and I'm assuming that we're looking at Mr. Lewis's employee number?</li> <li>A Correct.</li> <li>Q And then there's clock. What is that telling us?</li> <li>A That is a designation of clock that he has used. This one at 6:56 is in the lower level of site 40 near telecommunications. The one at 15:31 was first floor by the emergency room. If you look</li> </ul>	2 3 4 5 6 7 8 9 10	That's what a 5056002 is.  Q Looking at 2184, that you had just pointed out, James Leranth, the one from November 11th, 2009 with a G, which you're saying means canceled lunch. In the column to the far right, it says number canceled lunch. What does that mean?  A I believe Nicci, who was preparing these documents matched them to the punch detail to say this was number 48 on this employee. This is like a cross-referenced number.  Q What does that mean, number 48 on that employee?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	<ul> <li>A Swiping at a badge reader.</li> <li>Q Got it. If you go over a little bit further, there's a column that says employee number, and I'm assuming that we're looking at Mr. Lewis's employee number?</li> <li>A Correct.</li> <li>Q And then there's clock. What is that telling us?</li> <li>A That is a designation of clock that he has used. This one at 6:56 is in the lower level of site 40 near telecommunications. The one at 15:31 was first floor by the emergency room. If you look I'm trying to see if I can find one with a phone number on it.</li> <li>Q If it was a phone number, what would it look like?</li> <li>A It would look like a phone number, area code. Page 1112, under Michael Adams, see how that transaction came from 414-219-2000. That is a telephone number that was</li> <li>Q And that does not have a time associated with it; is that</li> <li>A Right. The reason it does not is because of the type column. The type A indicates a login or a logout. This is a type I. A type I is a time</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	That's what a 5056002 is.  Q Looking at 2184, that you had just pointed out, James Leranth, the one from November 11th, 2009 with a G, which you're saying means canceled lunch. In the column to the far right, it says number canceled lunch. What does that mean?  A I believe Nicci, who was preparing these documents matched them to the punch detail to say this was number 48 on this employee. This is like a cross-referenced number.  Q What does that mean, number 48 on that employee?  A From what Nicci told me, it is saying that if you look at the detail for the employee, it has a number next to it, and this is the number of the canceled. It's kind of like it's a tag.  Q Am I understanding right that based on your review of Mr. Leranth's records, this is telling us that this is the 48th canceled lunch?  A I cannot say that. All I can say is that Nicci used this number on her report to match. So I would have to look at the report for Leranth.  Q Who's Nicci?  A She is the administrative assistant.

6 (Pages 18 to 21)

	Page 22		Page 24
1	A For human resources.	1	A Crystal report is the software that we use to
2	Q Do you know who Nicci reports to?	2	access the Kronos database and pull data elements.
3	A Dawn, I believe.	3	So I was looking for a specific group of employees
4	Q Do you know what Nicci's last name is?	4	with a specific time range. And these are all of
5	A Hall.	5	the details of hours that were paid to the
6	Q H-a-1-1?	6	employees for worked time.
7	A H-a-l-l, and I believe it's N-i-c-c-i.	7	Q I'm looking at Exhibit 21, and on the first
8	Q Nicci ran a report. Do you know what that report	8	page of that, page number 171, there's a line for
9	is?	9	Lewis L. Adams again from September 15th of '09.
10	A It is the detail.	10	It says time in 6:56, time out 15:31, and then it
11	Q I have a bunch of reports. Maybe you can find it	11	says RND time. I'm assuming that means round
12	in there.	12	time?
13	A I don't know if she has it.	13	A Correct.
14	(Recess taken)	14	Q Do you know what the rounding program is that
15	Q Is it okay if I call you Rita?	15	Aurora uses?
16	A Yes.	16	A We use the parameters within Kronos to round
17	Q Rita, I had asked you to take a look at some of	17	employees to the tenth of an hour.
18	the spreadsheets that I had brought today. Are	18	Q Is it up and down?
19	any of those the report that Dawn ran I'm	19	A Yes.
20	sorry, not Dawn, that Nicci produced that you were	20	Q And it's rounded can you tell me how it works?
21	referencing?	21	A We have a five-minute window for an employee
22	A These are most of the reports that I had produced	22	before and after every 15 minutes out of the day.
23	for Nicci. The I did not give this 48 to	23	If the employee comes in within five minutes
24	Nicci. She must have been counting because it	24	before like an hour or five minutes after, we will
25	says number of canceled lunches. I do not know if	25	round both ways to the 7:00 point and pay the
	Page 23		Page 25
1	it was per person, per everyone or what, but I did	1	employee. Then every six minutes, they work, they
2	not give that to her.	2	will get paid a tenth of an hour because our HRIS
3	Q But Nicci would know why she did that?	3	system can only pay in tenths.
4	A Correct.	4	Q And going further right in the columns there,
5	(Recess taken)	5	there's a column that says ACTV, do you know what
6	(Exhibit No. 21 marked for	6	that means?
7	identification)	7	A That is for activity. That would be used if the
8	Q Showing you what has been marked as Exhibit 21,	8	employee had inservice time, orientation. It
9	Rita, do you know what this is?	9	would be a code that we used I do not see
10	A This is the detail of every day for the employee	10	anything in the example. It is just a different
11	with their logins and logouts. This showed you	11	way of coding the worked hours.
12	the source Exhibit 20 showed you the source of	12	Q Just for the record to be clear, this is an
13	the punch. This is how it ultimately resides on	13	excerpt of a larger spreadsheet that was produced?
14	the Kronos record. So this is what we pay from.	14	A Correct.
15	Q And this record is, this Exhibit 21 that we're	15	Q The next column says PROD hours, is that
1		16	productive hours?
16	looking at, is this something that came straight		
16 17	looking at, is this something that came straight from Kronos, or were things done to it to change		•
17	from Kronos, or were things done to it to change	17	A Correct.
17 18	from Kronos, or were things done to it to change the report?	17 18	A Correct. Q And I'm noticing that it looks like Mr. Adams here
17 18 19	from Kronos, or were things done to it to change the report?  A This was straight from Kronos.	17 18 19	A Correct.  Q And I'm noticing that it looks like Mr. Adams here has a time in and a time out that's roughly eight
17 18 19 20	from Kronos, or were things done to it to change the report?  A This was straight from Kronos.  Q And you were able to produce this?	17 18 19 20	A Correct.  Q And I'm noticing that it looks like Mr. Adams here has a time in and a time out that's roughly eight and a half hours, but the productive hours says
17 18 19 20 21	from Kronos, or were things done to it to change the report?  A This was straight from Kronos.  Q And you were able to produce this?  A Yes.	17 18 19 20 21	A Correct.  Q And I'm noticing that it looks like Mr. Adams here has a time in and a time out that's roughly eight and a half hours, but the productive hours says eight, and then there's a lunch deduction for .5;
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17 18 19 20 21 22	from Kronos, or were things done to it to change the report?  A This was straight from Kronos.  Q And you were able to produce this?  A Yes.  Q And was that just a matter of sort of running this	17 18 19 20 21 22	A Correct.  Q And I'm noticing that it looks like Mr. Adams here has a time in and a time out that's roughly eight and a half hours, but the productive hours says eight, and then there's a lunch deduction for .5; do you know what that's all about?

7 (Pages 22 to 25)

	Page 26		Page 28
1	A Correct.	1	Q Rita, I'm showing you what has been marked as
2	Q Do you know who programmed Kronos to do that?	2	Exhibit 23 on the back. This has Aurora bates
3	A That was done when we first automated. That was	3	stamped numbers 1 through 6. Do you know what
4	done by the team. We have some consultants	4	this document is?
5	working with us. I work with them, and it's part	5	A I did not produce this document.
6	of the parameters.	6	Q Have you ever seen this document before?
7	Q Do you know if Aurora took that automatic	7	A No, I have not.
8	deduction before it used the Kronos system?	8	(Discussion off the record)
9	A I don't know for sure.	9	(Exhibit No. 24 marked for
10	Q Do you know when it was that Aurora implemented	10	identification)
11	the Kronos system?	11	Q Rita, showing you what has been marked as
12	A We began we started some of our facilities late	12	Exhibit 24, do you know what this document is?
13	spring of '96.	13	A Yes, it is. I do.
14	Q Are any of the members who were part of that	14	Q Can you tell me what this is?
15	transition team other than you still employed by	15	A I was asked to provide the pay information for all
16	Aurora?	16	of the security officers. Rather than going out
17	A Yes, there's still people around.	17	to microfiche and printing out reams and reams of
18	Q Can you name the ones you remember?	18	paper, I was asked to provide it in an Excel
19	A Mary van Lieshout. She's the other manager for	19	format. I was able to access the database back to
20	payroll. I know Carol Hadley, she was from	20	2007 of the pay code entries. This is the pay
21	benefits. Kathy Klobuchar, she was the vice	21	statement information, what we had paid the
22	president. I don't know if she was vice president	22	caregivers, how much per hour, what shift it was
23	at the time of compensation. You know, I don't	23	on, the pay code that was paid.
24	know everyone who was on that team, but those are	24	(Exhibit No. 25 marked for
25	some of the names. I know they have been around	25	identification)
	Page 27		Page 29
1	for quite a while.	1	Q Showing you what has been marked now as
2	Q I'm going to show you what I think is the sort of	2	Exhibit 25, and I'm going to tell you that
3	counterpart to Exhibit 21.	3	Exhibit 24 is just the first page of that
4	(Exhibit No. 22 marked for	4	spreadsheet, and Exhibit 25, I decided to print
5	identification)	5	out a bunch of pages, for some reason, of a
6	Q This is Exhibit 22. I'm sorry that this is so	6	different spreadsheet. If I put these two
7	small when I printed it. Do you know what	7	documents together, it looks like I have pay
8	Exhibit 22 is?	8	information for Aurora security officers covering
9	A This is the same report, but for the terminated	9	the entire statutory period from August 20th, 2007
10	security officers.	10	all the way until October 9th of 2010; am I
11	Q Same information that	11	understanding that correctly?
12	A Same information that we had in Exhibit 21.	12	A Correct. It is in two separate files because of
13	Q Is there a report from Kronos that shows the	13	the way the data is stored.
14		$\begin{vmatrix} 13 \\ 14 \end{vmatrix}$	Q But nonetheless, it is putting these together is
15	punches that would have been done during a shift?	15	
	Would that have been captured on Exhibit 20?		complete and accurate?
16	A Yes. Exhibit 20 would include all punches for	16	A Yes.
17	these employees.	17	Q And these two documents cover both terminated and
18	Q So it wouldn't matter if they punched in, then	18	current security officers, correct?
19	punched out to leave the facility and then came	19	A Correct.
20	back?	20	Q If I wanted to combine the information that is
21	A Right. If they had logged out for any reason, it	21	captured on Exhibits 24 and 25, which is the pay
22	would have been anything that I have in the	22	information for the security officers, with the
23	file is in this report.	23	automatic lunch deductions that have been taken,
24	(Exhibit No. 23 marked for	24	the half-hour each day for those security
25	identification)	25	officers, is there a report that exists or could a

8 (Pages 26 to 29)

			1
	Page 30		Page 32
1	report be created which would calculate the amount	1	STATE OF WISCONSIN )
2	of money that that would those lunch deductions		) ss.
3	is worth?	2	COUNTY OF DANE )
4	A I don't have anything that I could do to	3	I, BRANDÉ A. BROWNE, a Registered Professional
5	cross-reference between the Kronos to say against	4	Reporter and Notary Public duly commissioned and
6	the master file.	5	qualified in and for the State of Wisconsin, do
7	Q So just to understand your answer, I know that	6 7	hereby certify that pursuant to notice, there came
8	such a report doesn't exist, but you could not	8	before me on the 6th day of December 2010, at 4:10 in
9	create such a report without I mean, without	9	the afternoon, at Quarles & Brady, LLP, Attorneys at Law, 411 East Wisconsin Avenue, Suite 2040, the City
10	actually doing some calculations?	10	of Milwaukee, County of Milwaukee, and State of
11	A I can't answer whether I would be able to do it or	11	Wisconsin, the following named person, to wit:
12	not because of the way the data is stored.	12	RITA C. KLOPF, who was by me duly sworn to testify to
13	Q If there was anybody at Aurora that could do it,	13	the truth and nothing but the truth of his knowledge
14	are you that person?	14	touching and concerning the matters in controversy in
15	A I would be the one that would have to do it.	15	this cause; that he was thereupon carefully examined
16	MR. SCULLEN: And that is her	16	upon his oath and his examination reduced to
17	answer to say no, it cannot be done.	17	typewriting with computer-aided transcription; that
18	A I don't know how I would do it because of the way	18	the deposition is a true record of the testimony
19	the data is stored.	19	given by the witness; and that reading and signing
20	Q Sure.	20	was not waived.
21	(Exhibit No. 26 marked for	21	I further certify that I am neither
22 23	identification)	22	attorney or counsel for, nor related to or employed
24	Q Rita, showing you what has been marked as	23	by any of the parties to the action in which this
25	Exhibit 26, do you know what this is?  A This is the punch detail reports. I'm sorry, the	24	deposition is taken and further that I am not a
25	· · · · · · · · · · · · · · · · · · ·	25	relative or employee of any attorney or counsel
	Page 31		Page 33
1	punch source reports for the terminated security	1	employed by the parties hereto or financially
2	officers.	2	interested in the action.
3	Q So this is	3	In witness whereof I have hereunto set my
4	A This is exactly the same as Exhibit 20. It's just	4 5	hand and affixed my notarial seal this 10th day of December 2010.
5	one is active, one is terminated.	6	December 2010.
6	Q 20 and 26 go together?	7	Quality (
7	A Go together, same report, same detail.		Watarx Marks State of Wascon in
8	(Exhibit No. 27 marked for	8	Registered Professional Register
9	identification)	9	My commission expires
10	Q Rita, showing you what has been marked as		April 21, 2013
11	Exhibit 27, do you know what this is?	10	
12	A I did not produce this report.	11	
13 14	Q And so do you know if this is something that Dawn	12 13	
15	produced? A I would expect I don't know.	14	
16	Q Fair enough.	15	
17	(Recess taken)	16	
18	MR. PARSONS: That was all the	17	
19	questions we have for Rita. I have a couple	18	
20	more questions for Dawn.	19	
21	(Adjourning at 4:57 p.m.)	20 21	
22	( ·J · · · · · · · · · · · · · · · · · ·	22	
23		23	
24		24	
25		25	

9 (Pages 30 to 33)

Deposition of: Mark A. Rountree

Date: December 20, 2010

Case: Jerry A. Brabazon v. Aurora Health Care, Inc.

Printed On: December 23, 2010

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Excellence in Court Reporting

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF WISCONSIN

JERRY A. BRABAZON, individually, and on behalf of all others similarly situated,

Plaintiff,

v.

Case No. 2:10-CV-00714

AURORA HEALTH CARE, INC.,

Defendant.

DEPOSITION

MARK A. ROUNTREE

Milwaukee, Wisconsin
December 20, 2010

Brandé A. Browne, RPR, CRR Registered Professional Reporter

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	Page 2		Page 4
1	INDEX	1	MARK A. ROUNTREE,
2	Witness Pages	2	called as a witness, being first duly sworn,
3	MARK A. ROUNTREE	3	testified on oath as follows:
4	Examination by Mr. Parsons 4	4	testified on oddi dis folio ws.
5	Examination by Mr. Scullen 87	5	EXAMINATION
6		6	By Mr. Parsons:
7	EXHIBITS	7	Q Good morning, Mr. Rountree.
8	No. Description Identified	8	A Hi, how are you.
9 10	28 Policy on Policies 39 29 Set of Aurora policies 50	9	Q My name is Bill Parsons. I'll be taking your
11	30 Meal and rest period policy 52	10	deposition this morning. This is the continued
12	31 Operational procedures - Manitowoc 54	11	30(b)6 deposition of Aurora to discuss certain
13	32 Operational procedures - Sheboygan 54	12	issues related to the policies and practices
14	33 Operational procedures - BayCare 54	13	regarding Aurora's meal breaks, so I'll be asking
15	34 Pay and hours, rest and meal periods 55	14	you questions on those issues. Before we get
16	35 Lunch breaks document 56	15	started, can I get your full name for the record.
17	36 Management bulletin 56	16	A It's Mark A. Rountree, and it's without a D on the
18	37 Memo from Dave Wood 60	17	last name.
19	38 Dual opinion letter 81	18	Q And your date of birth?
20 21	39 Dual opinion letter 81 40 Work week/meal and rest periods 84	19	A 9/25/64.
22	40 Work week/meal and rest periods 84	20	Q And your home address?
22	(The original exhibits were attached to the original	21	A 3718 South 157th Street in New Berlin, Wisconsin.
23	transcript and copies were provided to counsel)	22	Q Have you ever been deposed before?
24	transcript and copies were provided to counsery	23	A No.
	(The original deposition transcript was filed with	24	Q I'm going to go over a few ground rules for
25	Attorney William E. Parsons)	25	today's deposition. The court reporter can only
	Page 3		Page 5
1	DEPOSITION of MARK A. ROUNTREE, a witness	1	take down the testimony of one of us talking at
2	of lawful age, taken on behalf of the Plaintiff,	2	the same time. So I'll try not to speak over you
3	wherein Jerry A. Brabazon is Plaintiff, and Aurora	3	if you'll do the same. Additionally, the court
4 5	Health Care, Inc. is Defendant, pending in the United States District Court for the Eastern	4	reporter can only take down verbal answers. So
6	District of Wisconsin, pursuant to notice, before	5	I'll ask that if you're answering question, a yes
7	Brandé A. Browne, a Registered Professional Reporter	6	or a no instead of a head nod or a shake. If I
8	and Notary Public in and for the State of Wisconsin,	7	ask a question and you give an answer, I'm going
9	at the offices of Quarles & Brady, LLP, Attorneys at	8	to assume you understood what I asked. So if you
10 11	Law, 411 East Wisconsin Avenue, Suite 2040, City of Milwaukee, County of Milwaukee, and State of	9	don't understand what I ask, please ask me to
12	Wisconsin, on the 20th day of December 2010,	10	clarify, and we'll try to get to a point where we
13	commencing at 9:40 in the forenoon.	11	understand each other; is that fair?
14	-	12	A Yes.
15	A DDE A D A N CE C	13	Q Can you give me your educational history, starting
16 17	APPEARANCES	14	with high school?
18	WILLIAM E. PARSONS and DAVID C. ZOELLER, Attorneys,	15	A I graduated high school in 1983 in Oklahoma,
	for HAWKS QUINDEL, S.C., Attorneys at Law,	16	attended college for four years, have a degree in
19	222 West Washington Avenue, Suite 450, Madison,	17	chemistry and mathematics.
20	Wisconsin 53701-2155, appearing on behalf of	18	Q From what institution was that from?
20 21	the Plaintiff.	19	A Northeastern State University. It's in Oklahoma.
	SEAN M. SCULLEN, Attorney,	20	Q What year did you graduate?
22	for QUARLES & BRADY, LLP, Attorneys at Law,	21	A 1987.
	411 East Wisconsin Avenue, Suite 2040,	22	Q Any additional education after your degree from
23	Milwaukee, Wisconsin 53202-4426, appearing on	23	Northeastern?
24	behalf of the Defendant.	24	A Not as far as college. I do have
25	Also present: Dawn E. Faucett	25	certification-type education around compensation,
	· · · · · · · · · · · · · · · · · · ·	-	<i>J</i>

2 (Pages 2 to 5)

FOR THE RECORD, INC. / MADISON, WISCONSIN / (608) 833-0392 Case 2:10-cv-00714-JPS Filed 01/18/11 Page 52 of 74 Document 35-1

	Page 6		Page 8
1	which is a certified compensation professional,	1	A Yes. In '91, I left the Army and worked for
2	and then from HR, the senior human resource	2	Pfizer Pharmaceuticals for a short period of time,
3	professional.	3	selling pharmaceuticals. And then after that, I
4	Q And those two certifications, what institutions or	4	moved back to Oklahoma and worked for a small
5	bodies issue those?	5	company, Oklahoma Southern Transportation, until
6	A The certified compensation professional comes from	6	'96, and then I went to work for Muskogee Regional
7	an organization called World At Work. It used to	7	Medical Center, which is a hospital, as a
8	formerly be called the American Compensation	8	compensation analyst.
9	Association. They changed their name a few years	9	Q What year was that?
10	back. It's the primary group that it's the	10	A 1996.
11	primary organization that compensation people	11	Q What year did you start with Aurora then?
12	belong to around the world.	12	A 2002, I believe. Yeah, 2002.
13	Q For how long have you been certified through that	13	Q So from '96 to 2002, you were employed by what
14	organization?	14	was the name of that?
15	A I don't know the exact date, but at least 10	15	A From '96 to 2001, I was employed by Muskogee
16	years.	16	Regional Medical Center, and then I was at
17	Q And that certification remains current?	17	Johnson Controls from 2000 to 2002.
18	A Yes.	18	Q And then Aurora after Johnson
19	Q What do you need to do to keep that certification	19	A Then Aurora after that, correct.
20	current?	20	Q What was your position with Johnson Controls?
21 22	A There's two ways. You can take the tests, there's	21	A A lead compensation analyst.
23	nine tests, you can take the tests over to remain	22	Q What were the duties of that job?
24	certified. The easiest way is through continuing education credits. So they require us they	24	A The main duties focused around managing the compensation for the corporate office, as well as
25	have certain rules around what education what	25	all the incentives, stock option projects, the
23		23	
	Page 7		Page 9
1	qualifies, and then you submit that, it's a two or	1	performance reviews annually for that group. The
2	three-year period, you submit that to them, and	2	incentives and stock options was for the,
3	they either approve it for renewal or don't. If	3	worldwide, for the executives was the main part of
4	they don't, then you have to go back and take the	4	the job.
5	test over.	5	Q Who did you report to in that job?
6	Q You mentioned a second certification?	6	A Shad Hubbard, S-h-a-d, Shad.
7	A Yeah, that's more general. It's from SHRM,	7	Q Is Shad a man?
8	Society for Human Resource Management. It's about	8	A Yes.
9	the same. I've had that for about 10 years as	9	Q What position was Shad in?
10	well. It's the same process. You can either test	10	A At the time, he was the manager of corporate
11 12	or you can do continuing education credits, and they specify what counts or doesn't count for	11	compensation.
13	• • •	12 13	Q And prior to that, when you worked for Muskogee,
14	that. Q And that certification is current as well?	$\begin{vmatrix} 13 \\ 14 \end{vmatrix}$	what was your job title there?  A Compensation analyst.
15	A Yes.	15	Q And what were the job duties associated with that?
16	Q Any other education or certifications or	16	A The main job was to review the positions of the
17	professional programs that you're involved in?	17	organization, help set the budget every year for
18	A No.	18	the compensation budget, to grade jobs out from
19	Q Can you give me your work history, dating back to	19	how we're going to pay them, whether a job would
20	your first job out of college?	20	be exempt or nonexempt, and then mainly project
21	A Well, the first job out of college, wow, I	21	work around compensation.
22	actually was in ROTC during college, so I went	22	Q You mentioned grading, whether they would be
23	directly into the Army from college for four	23	exempt or nonexempt. So part of your job with
24	years.	24	Muskogee at least involved wage and hour
25	Q So that covered '87 to '91 approximately?	25	compliance; is that right?

3 (Pages 6 to 9)

	Page 10		Page 12
1	A Yes.	1	A If there were written policies that related to
2	Q Did your job with Johnson Controls also involve	2	compensation, the HR the HR people in the field
3	A To a certain degree. At the corporate office, the	3	are at the sites, or even the managers would call
4	vast majority of the employees were exempt because	4	and say I have this situation. What's the best
5	it was executives and accountants, IT people,	5	way to handle it.
6	those type of things. So to a lesser degree, it	6	Q In terms of your wage and hour compliance work in
7	did, but it was there too as well.	7	your position as the manager of compensation, can
8	Q Did any of your other jobs prior to Muskogee	8	you tell me about that job function?
9	involve wage and hour compliance work?	9	A That job function as the manager when I started,
10	A No.	10	was related to interpreting the policies that
11	Q Can you tell me about your wage and hour	11	exist that were on wage and hour, because that
12	compliance work experience with Muskogee in a	12	would have been until late 2003. So it was only
13	little more detail?	13	about a year and a half to two years at the most.
14	A What it was mainly around, we had templates where	$\begin{vmatrix} 13 \\ 14 \end{vmatrix}$	So it would be interpreting what was already in
15	you would if a job came in, we'd review that	15	existence at the time, and then utilizing we
16	job as relation to a checklist to determine	16	actually utilized a software package to determine
17	whether it would qualify to be exempt or	17	whether jobs were exempt or nonexempt.
18	nonexempt.	18	Q What software package was that?
19	Q And you didn't put together the checklist; is that	19	A It's in the box. I can't think of the name of the
20	right?	20	exact company. It's ComplyWare, maybe.
21	A I might have modified them, but they were there	21	(Discussion off the record)
22	when I first started.	22	Q I'm showing you what has not been marked for
23	Q How would strike that. What would lead you to	23	today, but which is a software box that says
24	want to modify one of the checklists?	24	ComplyWare, FLSA on the front. Is this the
25	A The flow mainly with those, that they just didn't	25	software that you were just referring to?
	Page 11		Page 13
	1030 11		
1	Cl (1	,	
1	flow the way we would go through the process.	1	A That is correct, yes.
2	Q So you weren't modifying them to change standards	2	A That is correct, yes.  Q How did you use the software to determine whether
2	Q So you weren't modifying them to change standards based on	2 3	A That is correct, yes.  Q How did you use the software to determine whether or not someone was exempt?
2 3 4	<ul><li>Q So you weren't modifying them to change standards based on</li><li>A No.</li></ul>	2 3 4	<ul><li>A That is correct, yes.</li><li>Q How did you use the software to determine whether or not someone was exempt?</li><li>A The software contains templates built into it. It</li></ul>
2 3 4 5	<ul><li>Q So you weren't modifying them to change standards based on</li><li>A No.</li><li>Q legal analysis or anything like that?</li></ul>	2 3 4 5	<ul> <li>A That is correct, yes.</li> <li>Q How did you use the software to determine whether or not someone was exempt?</li> <li>A The software contains templates built into it. It asks you questions, and you provide answers to</li> </ul>
2 3 4 5 6	<ul> <li>Q So you weren't modifying them to change standards based on</li> <li>A No.</li> <li>Q legal analysis or anything like that?</li> <li>A No. They were very standard, common checklists</li> </ul>	2 3 4 5 6	<ul> <li>A That is correct, yes.</li> <li>Q How did you use the software to determine whether or not someone was exempt?</li> <li>A The software contains templates built into it. It asks you questions, and you provide answers to those questions. As you're working through it,</li> </ul>
2 3 4 5 6 7	<ul> <li>Q So you weren't modifying them to change standards based on</li> <li>A No.</li> <li>Q legal analysis or anything like that?</li> <li>A No. They were very standard, common checklists used by a lot of organizations.</li> </ul>	2 3 4 5 6 7	<ul> <li>A That is correct, yes.</li> <li>Q How did you use the software to determine whether or not someone was exempt?</li> <li>A The software contains templates built into it. It asks you questions, and you provide answers to those questions. As you're working through it, there's also the ability to toggle back in the</li> </ul>
2 3 4 5 6 7 8	<ul> <li>Q So you weren't modifying them to change standards based on</li> <li>A No.</li> <li>Q legal analysis or anything like that?</li> <li>A No. They were very standard, common checklists used by a lot of organizations.</li> <li>Q And you did very little wage and hour compliance</li> </ul>	2 3 4 5 6 7 8	<ul> <li>A That is correct, yes.</li> <li>Q How did you use the software to determine whether or not someone was exempt?</li> <li>A The software contains templates built into it. It asks you questions, and you provide answers to those questions. As you're working through it, there's also the ability to toggle back in the regulations text if you need to. Your question</li> </ul>
2 3 4 5 6 7 8	<ul> <li>Q So you weren't modifying them to change standards based on</li> <li>A No.</li> <li>Q legal analysis or anything like that?</li> <li>A No. They were very standard, common checklists used by a lot of organizations.</li> <li>Q And you did very little wage and hour compliance work with Johnson Controls; is that a fair</li> </ul>	2 3 4 5 6 7 8	<ul> <li>A That is correct, yes.</li> <li>Q How did you use the software to determine whether or not someone was exempt?</li> <li>A The software contains templates built into it. It asks you questions, and you provide answers to those questions. As you're working through it, there's also the ability to toggle back in the regulations text if you need to. Your question that you answer prompts another question, and then</li> </ul>
2 3 4 5 6 7 8 9	<ul> <li>Q So you weren't modifying them to change standards based on</li> <li>A No.</li> <li>Q legal analysis or anything like that?</li> <li>A No. They were very standard, common checklists used by a lot of organizations.</li> <li>Q And you did very little wage and hour compliance work with Johnson Controls; is that a fair assessment?</li> </ul>	2 3 4 5 6 7 8 9	A That is correct, yes.  Q How did you use the software to determine whether or not someone was exempt?  A The software contains templates built into it. It asks you questions, and you provide answers to those questions. As you're working through it, there's also the ability to toggle back in the regulations text if you need to. Your question that you answer prompts another question, and then it walks you all the way through, and at the end
2 3 4 5 6 7 8 9 10	<ul> <li>Q So you weren't modifying them to change standards based on</li> <li>A No.</li> <li>Q legal analysis or anything like that?</li> <li>A No. They were very standard, common checklists used by a lot of organizations.</li> <li>Q And you did very little wage and hour compliance work with Johnson Controls; is that a fair assessment?</li> <li>A That would be correct.</li> </ul>	2 3 4 5 6 7 8 9 10	A That is correct, yes.  Q How did you use the software to determine whether or not someone was exempt?  A The software contains templates built into it. It asks you questions, and you provide answers to those questions. As you're working through it, there's also the ability to toggle back in the regulations text if you need to. Your question that you answer prompts another question, and then it walks you all the way through, and at the end of this process, it tells you, from the software's
2 3 4 5 6 7 8 9 10 11	<ul> <li>Q So you weren't modifying them to change standards based on</li> <li>A No.</li> <li>Q legal analysis or anything like that?</li> <li>A No. They were very standard, common checklists used by a lot of organizations.</li> <li>Q And you did very little wage and hour compliance work with Johnson Controls; is that a fair assessment?</li> <li>A That would be correct.</li> <li>Q Let's talk about your employment with Aurora. You</li> </ul>	2 3 4 5 6 7 8 9 10 11	A That is correct, yes.  Q How did you use the software to determine whether or not someone was exempt?  A The software contains templates built into it. It asks you questions, and you provide answers to those questions. As you're working through it, there's also the ability to toggle back in the regulations text if you need to. Your question that you answer prompts another question, and then it walks you all the way through, and at the end of this process, it tells you, from the software's perspective, whether it believes the job to be
2 3 4 5 6 7 8 9 10 11 12	<ul> <li>Q So you weren't modifying them to change standards based on</li> <li>A No.</li> <li>Q legal analysis or anything like that?</li> <li>A No. They were very standard, common checklists used by a lot of organizations.</li> <li>Q And you did very little wage and hour compliance work with Johnson Controls; is that a fair assessment?</li> <li>A That would be correct.</li> <li>Q Let's talk about your employment with Aurora. You said you started in 2002; is that right?</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13	A That is correct, yes.  Q How did you use the software to determine whether or not someone was exempt?  A The software contains templates built into it. It asks you questions, and you provide answers to those questions. As you're working through it, there's also the ability to toggle back in the regulations text if you need to. Your question that you answer prompts another question, and then it walks you all the way through, and at the end of this process, it tells you, from the software's perspective, whether it believes the job to be exempt or nonexempt based on how you answer those
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4 (Pages 10 to 13)

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Page 15 Page	= 17
1 Q Is that a promotion? 1 Q As director of compensation, who do you repo	to?
2 A Yes. 2 A Kathy Klobuchar.	
3 Q When did that promotion take place? 3 Q What's Ms. Klobuchar's title?	
4 A I don't remember the exact date, but it was 4 A She's the vice president of compensation benef	ts
5 somewhere in 2002, late 2002, I believe. 5 and HR systems.	
6 Q What month was it approximately that you started 6 Q And who does she report to?	
7 with Aurora? 7 A She would report well, right now she's	
8 A May. 8 reporting to Dwight Morgan as he's the interim	
9 Q So this occurred maybe less than a year into your 9 head of HR for the whole organization. There's	ı
job with Aurora? 10 search going on for that position.	
11 A I can't remember the exact dates, 2002. It could   11 Q As I understand it, Mr. Morgan reports to the	
have been 2003. I don't remember the exact date.   12   president of Aurora or maybe the CEO?	
Q You were talking about the compensation analyst. 13 A Yeah. President and CEO of Aurora, correct.	
Do you know approximately how many compensation   14 Q And that's one person, president and CEO is or	
analysts Aurora currently employs? 15 title?	,
16 A We currently have four. We have three and one 16 A Yes.	<del>)</del>
17 opening. 17 Q So between you and the CEO of Aurora, there's	
18 Q And those analysts, do they all work out of the people, and then a direct report to the CEO?	
19 same office? 19 A Correct.	
20 A Yes. 20 Q And how many people report to you?	
21 Q Which office is that? 21 A Total, there is directly?	
22 A It's the business center office on I don't know 22 Q Yes.	
23 what with street is it on. Forest Home, I guess, 23 A Three.	
would be the main road. 24 Q And who are those individuals?	
25 Q Do all of those analysts report to the same 25 A That would be Chris Miezin.	

5 (Pages 14 to 17)

	Page 18		Page 20
1	Q Is Chris a man or a woman?	1	Q I'm going to show you what was previously marked
2	A Man. I'm sorry, woman.	2	at the first part of this 30(b)6 deposition as
3	Q So there's Chris Miezin, and what's Ms. Miezin's	3	Exhibit 1. Have you seen this document before?
4	position?	4	A Yes.
5	A She's the compensation analyst for projects.	5	Q This is the 30(b)6 deposition
6	Q Was she one of the three compensation analysts	6	MR. SCULLEN: Let me just clarify
7	that you just mentioned before?	7	for the record. I actually showed him the
8	A No, she's in addition to that.	8	updated deposition notice. I assume it
9	Q And then in addition to Ms. Miezin?	9	hasn't changed in relevant part, but I
10	A Joyce Ballet, B-a-l-l-e-t, I believe.	10	thought I would just clarify for the record
11	Q And what does Ms. Ballet do?	11	so that he isn't confused. If there is a
12	A She's a senior compensation analyst.	12	change, you should point it out.
13	Q And the third person?	13	MR. PARSONS: I will state on the
14	A Jill Metrusias.	14	record that in relevant part, the document is
15	Q What does Ms. Metrusias do?	15	not changed.
16	A She's a compensation analyst, but she handles all	16	Q If I could have you turn to the second page of
17	of our survey participation and loading into our	17	that, Mr. Rountree. Do you understand that you've
18	electronic database. She's part-time.	18	been designated as the person most competent to
19	Q And the manager of compensation, your former	19	testify for Aurora as to topic number 6?
20	position, that position does not report	20	A Yes.
21	directly	21	Q Let's just go through that and talk about that a
22	A I'm sorry, that one as well. Shannon does as	22	little bit. The first sentence there says that
23	well.	23	you're competent to testify as to Aurora's
24	Q And Shannon, as the manager of compensation, was	24	policies and practices regarding meal periods,
25	she the person that replaced you in that role, or	25	including the tracking and payment for on-duty
	Page 19		Page 21
1	were there other people in between her?	1	meal periods. Can you tell me what your
2	A There was another person in between her,	2	qualifications are to testify as to that topic?
3	Steve Schroeder.	3	A The meal periods policy is part of our functional
4	Q And Mr. Schroeder is the person who replaced you	4	area. It's our responsibility to maintain and
5	when you were in that position?	5	revise that policy as needed. Qualification-wise
6	A Yes.	6	would be the organizations that we belong to or
7	Q How long was he in that role?	7	that I belong to provide a large amount of
8	A I don't know for sure, but close to two years, and	8	educational materials related to wage and hour.
9	then he moved into our employment area as manager	9	They maintain significant databases around pretty
10	of employment.	10	much all those topics. We use the Department of
11	Q He is still with Aurora?	11	Labor website, the Department of Workforce
12	A No, he has since left.	12	Development. The certifications that we've talked
13	Q So he took another position with Aurora and then	13	about earlier were also contained in the
14	subsequently left?	14	regulatory sections in those as well.
15	A Yes.	15	As well as we use we have a lot of HR
16	Q Do you know if he's still in the state of	16	consulting companies that we work with that
17	Wisconsin?	17	provide updates as changes come out, the e-mail,
18	A Yes. He's at Wisconsin Lutheran College. He's	18	they provide webinars, been to seminars, both with
19	the head of HR there.	19	Quarles & Brady and Foley, on wage and hour
20	Q So I think we had four people that reported to	20	updates and regulations.
21 22	you, Chris Miezin, Joyce Ballet, Jill Metrusias,	21	Q And you said that it's you might have said it's
23	and Shannon?	22	your department or your job that's responsible for
23	A Grall, G-r-a-l-l.	23 24	maintaining and revising the meal break policies;
25	Q Anyone else that directly reports to you?	25	is that right?
43	A No.	<u> </u> 25	A That would be correct, yes.

6 (Pages 18 to 21)

1 Q Do you work with any other strike that. Are 2 you the person who has the final say in revising 3 the meal break policy, or are there other 4 individuals that you need to get clearance from in 5 order to do so? A As far as the drafting policy that would come out 7 of our area, it would then go to my boss Kathy for 8 review and then eventually to the head of HR to 9 review and decide whether it can be approved and 10 put into the policy manual, or if it even needs 11 further review with the administrative team before 12 it goes into the policy manual, 13 Q So it would be reviewed by Kathy and then 14 eventually by Dwight Morgan before a final 15 decision is made; is that right? A Final approval, yes. Minimally, that would be the 17 two people that would look at it. If the policy 18 relates to other departments, they would also be 19 asked to give feedback on that as well. 20 Q And I'm assuming there might be a review by the 21 legal department or something like that as well? 22 A Yes. 23 A Well, the policies meaning the meal break policies. 24 What makes you competent to testify as to that 25 area? 2 I What makes you competent to testify as to that 2 area? 3 A Well, the policies that I have, you know, dealt 4 with and revised or created myself, I would know 5 involved. 3 Q I'm just concerned with the meal break policy. So 5 in terms of the current status of that policy and 6 any changes that had been made to that policy, you 1 know the individuals who were involved in making 1 those decisions? 1 Could have been just in to call during that 04. I don't recall what we modified in '04. It 1 could have been just in the clairfy what we changed related to how it functions and operates. We need to clarify what we changed during that 04. I don't recall what we heanged in '04, were you involved in the change? 2 I Inderstand what you're sopie, So it was changed in '04, wore you involved in the change? 3 A Well, the policy was changed in '04, wor por may not have been involved, but you're looking into that; is that ri	1	Page 22		Page 24
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	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	<ul> <li>area?</li> <li>A Well, the policies that I have, you know, dealt with and revised or created myself, I would know who has seen those and provided input to them. Other policies I would not know directly who's involved.</li> <li>Q I'm just concerned with the meal break policy. So in terms of the current status of that policy and any changes that had been made to that policy, you know the individuals who were involved in making those decisions?</li> <li>A I'm not sure. I mean, prior to my arriving at Aurora, no. Anything that happened since I've been in the role that I've changed, I would.</li> <li>Q So any changes that have been made to the meal policy from 2002 to present or at least since you've been in the role of director of</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	changed something as well.  Q Since 2004, has the policy been changed?  A No, it has not.  Q So in your tenure as the director of compensation, the policy has only been changed once?  A Correct.  Q The next portion of this topic says the materials or advice relied on in setting those policies, again, meaning meal break policy. If the policy was only changed in 2004, and you're not sure if you were involved in that, are you able to testify as to what advice or what was relied on in making that change?  A Not with that particular policy, no.  MR. SCULLEN: Let me just clarify for the record. To the extent you're questioning him about the system policy titled meal and break period, there are other
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23 very straightforward. We re trying to find out [23] maintaining and revising the Autora filear break	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	area?  A Well, the policies that I have, you know, dealt with and revised or created myself, I would know who has seen those and provided input to them. Other policies I would not know directly who's involved.  Q I'm just concerned with the meal break policy. So in terms of the current status of that policy and any changes that had been made to that policy, you know the individuals who were involved in making those decisions?  A I'm not sure. I mean, prior to my arriving at Aurora, no. Anything that happened since I've been in the role that I've changed, I would.  Q So any changes that have been made to the meal policy from 2002 to present or at least since you've been in the role of director of compensation to present, you know the individuals who were involved in making those decisions?  A I'm not 100 percent sure on all the changes on the meal break policy.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	changed something as well.  Q Since 2004, has the policy been changed?  A No, it has not.  Q So in your tenure as the director of compensation, the policy has only been changed once?  A Correct.  Q The next portion of this topic says the materials or advice relied on in setting those policies, again, meaning meal break policy. If the policy was only changed in 2004, and you're not sure if you were involved in that, are you able to testify as to what advice or what was relied on in making that change?  A Not with that particular policy, no.  MR. SCULLEN: Let me just clarify for the record. To the extent you're questioning him about the system policy titled meal and break period, there are other system policies that address meal and break periods that may have been reviewed more recently. So you might want to just clarify your question with him in that regard.

7 (Pages 22 to 25)

		1	
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1	policy. What policy did you mean by that?	1	Q What was your role in that change?
2	A Well, it's the policy specifically titled work	2	A I drafted the policy when it was initially put
3	week and meal periods, I believe is what it's	3	into place.
4	called. There are a few other policies that we	4	Q Any other modifications to the meal break policy
5	have that have been more recently created and	5	or meal break portions of these other policies
6	revised that also refer to meal periods.	6	that we were just discussing, other than the
7	Actually, with a little more detail than that	7	change in 2004 and the change that you just
8	policy does.	8	mentioned for the exempt/nonexempt employee
9	Q Are you talking about Aurora system policy	9	policy?
10	number 34, work week and meal and rest periods?	10	A No.
11	A Yes, correct.	11	Q And you're competent to testify as to the change
12 13	Q You said there were other policies that deal with	12 13	to the exempt/nonexempt employee policy because
14	meal breaks. What other policies are you talking about?	14	you're the person who drafted the changed language?
15	A There's a policy titled nonexempt and exempt	15	A Correct. There was extensive research done right
16	employee policy that deals with in more detail as	16	after the regulations from the FLSA federal
17	to the meal periods than the actual work week and	17	standpoint changed in '04. We did extensive
18	meal period policy does.	18	research around how that impacted Aurora, and what
19	Q And that's nonexempt and exempt employee policy,	19	we needed to create in that policy from a safe
20	which is policy 176?	20	harbor standpoint, which is mainly on the exempt
21	A Yes.	21	side. But we also took that opportunity to
22	Q Any other policies that you were referring to?	22	document in more detail how nonexempt employees
23	A The payroll policy has a short blurb in it about	23	should be handled as well just so that the
24	the meal periods as well; more in relation to how	24	managers and HR could understand what our
25	it's handled in payroll, but it still is mentioned	25	direction was and how we needed to comply with
	Page 27		Page 29
1	in there as well.	1	both the federal and state regulations.
2	Q And that's Aurora system policy number 77, the	2	Q And you were involved in that project?
3	payroll policy?	3	A Yes.
4	A Yes.	4	Q Who else was involved with that with you?
5	Q Any other policies?	5	A I'm trying to think back. It was mainly done,
6	A Not that I'm aware of.	6	again, by the compensation department, which was,
7	Q The three policies we just talked about,	7	at the time, just me. There were different people
8	policy 34, policy 77, and policy 176, were there	8	who would have reviewed it just from a not say
9	any changes to those policies other than the	9	content as much as, you know, are the paragraphs
10	change in 2004 that you discussed in your tenure	10	right, you know, structure of that nature,
11	as the director of compensation?	11	spelling. You know, we would have gone through
12	A Yes. I believe the payroll policy has been	12	many renditions with other people to read it from
13	updated as well. That section was not necessarily	13	that perspective just to make sure we didn't have
14	updated. It was more the payroll processing	14	typos and those types of things in it.
15	pieces of that policy. We also created and have	15	Q Who was involved in it other than you whose
16	revised the nonexempt/exempt policy since 2004.	16	function in that process was to make sure that the
17	Q Have any of those policies been modified as it	17	meal break language in there was in compliance
18 19	pertains to the portions of those policies that deal with meal breaks?	18 19	with state and federal laws?  A We would have it would have been reviewed by
20	A Yes.	20	Kathy. I don't know that from the standpoint
21	Q Which ones?	21	that it would have been to ensure compliance, but
22	A The nonexempt and exempt employee policy.	22	she would have reviewed it. It was reviewed by
23	Q And were you involved in that change to the	23	several of the HR vice presidents in the system.
24	policy?	24	Q Do you remember who?
25	A Yes.	25	A At the time, that would have been Diane Eckstrand,

8 (Pages 26 to 29)

Page 30 Page 32 1 Peter Platten, who's no longer with the company, 1 system policy manuals. 2 Gene Krauklis, Dwight Morgan, and Gwen Baumel. 2 Q And when you say the revision process, how does 3 3 Q Do you know how long Kathy has been with Aurora? that process start? 4 A Approximately 20 years. 4 A We would review the policy. If we found there 5 5 Q Do you know how long she has been in her current were things that needed to change, we would draft 6 position? 6 those changes, and once we had agreement from 7 A I think 20 years she has been the head of comp and 7 various sources, such as we would use the various 8 8 benefits. resources to make sure that the compliance, if 9 9 Q What about Dwight Morgan, how long has he been there was a major change, is correct, and we would 10 10 with Aurora? have probably a legal review of that as well. And 11 11 A I believe the same amount. Maybe a little bit once everyone is in agreement that it says what it longer. He came to Aurora when St. Luke's and I 12 12 says, and the intent is in agreement with what the 13 13 believe it was Sinai-Samaritan at the time merged. law states, there's a form that's filled out 14 He was the HR person at Sinai=Samaritan. 14 that's attached to the policy that says here's 15 Q And was that like 1993 or so? 15 what we're changing and why. That's then sent up A I don't know for sure when that was. 16 16 to Dwight's office basically. 17 17 Q How long has Mr. Morgan been in his current They review that, and if the policy -- they 18 position? 18 make a determination there whether they just 19 19 A In the interim role? approve it at that level and it gets published, or 20 20 Q How long has he been in the interim role? if it needs to go to the administrative leadership 21 21 A Laurie left in July, so since July of 2010. for review. Most of these policies don't go to 22 Q Prior to that, what position was he in? 22 that level. 23 23 A He was the vice president of basically human Q But in terms of making sure that the meal break 24 resource operations, and that changed in 2009. 24 policy is in compliance with Wisconsin and federal 25 25 All the site-based VPs reported up to him. wage and hour laws, you can tell me everything Page 31 Page 33 1 1 Q And so then the last topic that I wanted to ask Aurora does to make sure that that happens? 2 2 A I don't know if I could tell you everything, but I you about, or make sure that you're competent to 3 testify on, is the efforts taken by Aurora to 3 could tell you a lot of things that Aurora does. 4 ensure that it's meal break policies remain in 4 Q What couldn't you tell me? 5 5 compliance with the Wisconsin and federal wage and MR. SCULLEN: You want him to tell 6 6 hour laws. Is that one of your job duties? you what he doesn't know? I'm not sure 7 7 A Yes, that would be correct. that's a very fair question. 8 8 Q And who do you report to on that issue? Q Is there a part of the process that you know about 9 A I'm sorry, clarify what --9 that you can't tell me about? 10 Q Let me ask that a different way. Are you the 10 A No. 11 ultimate person at Aurora who's responsible for 11 Q That's fair enough. 12 the meal break policy's compliance with Wisconsin 12 (Discussion off the record) 13 wage and hour laws? 13 Q Again, the topics that we just discussed in topic 14 14 A I don't know that I would be the ultimate person. number 6 in the deposition notice, you are the 15 I believe that would go up through higher levels 15 person at Aurora who's most knowledgeable of these 16 than me. It's my responsibility to review the 16 issues; is that right? 17 policies periodically and make sure that they stay 17 A That's correct, yes. 18 in compliance with both the federal and state 18 Q Let's talk about Aurora's meal break policy, and 19 19 I'm going to start off by asking some questions regulations. 20 20 Q And when you're doing that review, who do you about the policy in general, but also as it 21 report your opinions to? 21 applies to Aurora's security officers or loss 22 A If there's no change, we wouldn't report anything. 22 prevention officers. Can you tell me, in general, 23 what is Aurora's meal break policy as it relates 23 If there's a change, we would go through the 24 24 revision process and send that up for approval so to its security officers? 25 that the policy actually gets updated in our 25 A Aurora's policy on meal breaks basically states,

9 (Pages 30 to 33)

	Page 34		Page 36
1	and in practice, we want employees to take a	1	irrelevant to find out how that decision was
2	30-minute uninterrupted lunch if they work more	2	made to automatically deduct a half-hour. I
3	than six hours in a day. We want them to try to	3	think that might be fairly relevant.
4	take that away from the department so people won't	4	MR. SCULLEN: I guess we could
5	come up and ask them business or work-related	5	maybe agree to disagree. Since we know it's
6	questions that would require them to either cancel	6	in place and it has been, I don't think
7	the lunch or start it over.	7	you're alleging that the simple fact of
8	Q And Aurora's policy for paying its security	8	having an automatic deduction is illegal.
9	officers for their lunch breaks is what?	9	MR. PARSONS: No, it certainly
10	A It would be the same as all other employees. They	10	isn't.
11	would take the 30-minute uninterrupted lunch	11	MR. ZOELLER: Any reasonableness is
12	break, and they would not be paid for that 30	12	going to depend on what happened at the time
13	minutes. If they were interrupted for some	13	the policy was implemented. I don't think it
14	reason, then they would either be directed to	14	matters how far back in time that was.
15	cancel their lunch, or depending on how much the	15	MR. SCULLEN: Well, I would
16	interruption was, they could start it over and get	16	disagree to the extent that there's no
17	another 30 minutes after that of continuous time	17	legality of the automatic deduction, and he
18	off.	18	would testify that, you know, the policies
19	Q But in the absence of taking positive action to	19	and practices have been reviewed. You know,
20	cancel the lunch, Aurora's policy is to	20	the relevant time is his review of these
21	automatically deduct a half-hour?	21	policies in 2008. So I don't think we have
22	A Yes, correct. For any employee who works over six	22	to historically go back and say what decision
23	hours, Aurora's policy is to automatically deduct	23	was made 20 years ago. Certainly, it's well
24	30 minutes for their lunch, and then employees are	24	outside the statutory limitation period, and
25	instructed if they don't take the lunch, to cancel	25	he has testified that he has reviewed these
	Page 35		Page 37
1	it.	1	policies and practices as recently as 2008.
2	Q And this policy of automatically deducting 30	2	MR. PARSONS: I think that's fair
3	minutes for each six-hour shift, you said?	3	as long as we can get an understanding as to
4	A Anything over six hours, yes.	4	what was reviewed in 2008. We'll find out.
5	Q How long has that policy been in effect?	5	Q I'm assuming then in terms of who would have been
6	A To my knowledge, longer than I've been there, in	6	involved in making in forming Aurora's policy
7	the eight and half years that I've been there. I	7	to automatically deduct a half-hour from its
8	don't know the exact time it was put into place.	8	employees for working more than six hours, you do
9	Q If I wanted to figure out how long that policy was	9	not know who was involved in that decision?
10	in effect, what would I do?	10	A I do not know. A policy change of that nature
11	A I believe we would have to payroll might have	11	would require significant involvement. It would
12	records as to when it was put into place because	12	have to be communicated to each employee.
13	it's a Kronos programming method that they use to	13	Q For all we know, the policies never change, it
14	do that. So there may be records in payroll that	14	might have been Aurora's policy since the start of
15	would state when that was in place, or Rita Klopf	15	the company, which was automatically
16	in payroll might know the exact date it was put	16	A Yeah, which I believe it was '85. It could have
17 18	in.  O I've asked her. She decen't know	17	been there all along.
19	Q I've asked her. She doesn't know. MR. SCULLEN: There's a point	18 19	MR. SCULLEN: In my recollection, in Rita's deposition testimony, I thought she
20	which you've got some broad leeway, but	20	testified that that was the case, that when
21	you know from her testimony, it has been in	21	there was the initial merger, that that was
22	play since 1996. I hate to object to	22	in place.
23	relevance. At some point, it gets a little	23	MR. ZOELLER: I think there was a
24	bit far afield.	24	suggestion made that there may have been. I
25	MR. PARSONS: I don't think it's	25	don't think she was confidently able to
	1.11th 1.11th O1 to 1 to 1 to 1 to 1		and the state of t

10 (Pages 34 to 37)

	Page 38		Page 40
1	testify that that might have been the case.	1	then get reviewed by well, we would draft it
2	MR. PARSONS: My recollection was	2	from the technical aspect as it relates to
3	there may have been a change when the Kronos	3	compensation, and then that content would be
4	system was put in place around '93, but	4	reviewed against lots of resources that we have
5	again, she didn't know for sure.	5	available to us. Legal counsel would probably
6	Q In terms of the meal break policy that we just	6	review it as well, depending on which policy it
7	talked about, who at Aurora has the authority to	7	is. That's when it goes there's a form
8	change that policy?	8	attached to the policy, it gets filled out, and
9	A I would say, you know, my department can suggest	9	then it's sent up for final approval to actually
10	changes. Once they're approved, I would say at	10	get put into the official policy manual.
11	that point it would be whoever is the head of HR	11	Q And when you talk about a form, there's a form
12	for the organization.	12	that's three pages into this exhibit that says
13	Q And currently, who is that?	13	policy data form?
14	A Dwight Morgan.	14	A Yes, that's correct.
15	Q And is there a formal process by which changes to	15	Q And that's a two-page document; is that right?
16	the meal break policy would take place?	16	A Yes.
17	A Yes.	17	Q And this is the form you were talking about
18	Q Can you describe that process?	18	earlier as well where you'd indicate what the
19	A Well, if there was a need to make a change to the	19	change is?
20	policy, again, my department would review it. We	20	A Yes. And it could be a new policy as well. I
21	would make the edits, get receiving input from the	21	mean, sometimes it's revisions to current ones,
22	departments that it affects, which would be HR and	22	but it could be a new policy, it doesn't exist
23	payroll. Once we have agreement that it says what	23	today, that would go through the same process.
24	we want it to say, we have legal confirmation that	24	Q Got it. Thank you. Those are all the questions I
25	it is within the bounds of the law, we would send	25	have on Exhibit 28 then. When we were taking the
23		23	
	Page 39		Page 41
1	that up for approval through Dwight's office.	1	first part of this deposition, Ms. Faucett was
2	There's a formal process that's a form that's	2	testifying as to a number of policies that Aurora
3	basically you describe what you're changing and	3	has that relate to the meal break policy, and what
4	why that goes with that.	4	I'd like to do is just sort of understand the
5	Q What's the name of that form?	5	significance and maybe the sort of priority order
6	A It's in a policy called policy on policies.	6	of these policies. I'm going to show you what has
7	(Discussion off the record)	7	been marked previously as Exhibit 10. Do you know
8	(Exhibit No. 28 marked for	8	what this document is?
9	identification)	9	A The table of contents to our system policy manual.
10	Q Mr. Rountree, I'm showing you what has been marked	10	Q And the system policy manual is what?
11	as Exhibit 28 for today's deposition. This is a	11	A It's the overriding policies that the different
12	document that says Policy on Policies, which is	12	organizations within Aurora, and thus, their
13	policy number 112; do you see that?	13	departments, would function, the policies that
14	A Yes.	14	they would follow.
15	Q Was this the document you were just referring to	15	Q These are policies that apply to Aurora on a
16	in discussing the process by which Aurora can	16	system-wide basis?
17	modify its policies?	17	A Correct, across all entities of Aurora.
18	A Yes.	18	Q And all other Aurora policies and procedures,
19	Q And can you walk me through the process as it's	19	whatever is in place, has to comply with the
20	laid out in this policy?	20	policies that are contained in here; is that a
21	A The policy on policies refers to every policy that	21	fair way to say it?
	Aurora has, but it's related to how I would use	22	A Yes, they should follow those policies.
		1	
22		23	O And then I'm going to show you what was previously
22 23	it. Again, the functional area is the owner of	23 24	Q And then I'm going to show you what was previously marked as Exhibits 8, 9, and 13 from this
22		23 24 25	Q And then I'm going to show you what was previously marked as Exhibits 8, 9, and 13 from this deposition. Do you know what these documents are?

11 (Pages 38 to 41)

	Page 42		Page 44
1	A Yes.	1	there's a section, which is Section 3F5, which is
2	Q Can you tell me about them?	2	entitled meal periods must be at least 30 minutes
3	A One document is the work week meal and rest period	3	in length, and this section here, Section 5, A, B,
4	policy. One is the payroll policy, and one is the	4	C, D, and E, is this the only portion of the
5	nonexempt and exempt employee policy.	5	nonexempt and exempt employee policy that deals
6	Q As I understand things from your testimony and	6	with meal breaks?
7	Ms. Faucett's testimony previously, these are the	7	A Yes. There is a small section, it just refers to
8	only policies in the Aurora system policy manual	8	it in number 6 below as well.
9	that have to do with Aurora's meal and break	9	
10	policy; is that fair?	10	Q Anything else other than Section 3F5 and 6 in this
11	A Yes, that would be correct.	11	policy that deals with meal breaks?
12	Q The main policy, I'm assuming. Dealing with this	12	MR. SCULLEN: Why don't you take
13	is policy number 34, which is Exhibit 16, the work	1	the time to go through it unless you know.
14		13 14	A Section G8 also refers to it, and Section H3. I
15	week meal and rest periods policy; is that fair?	1	believe that is it.
16	A Yes.	15	Q Then turning your attention to Exhibit No. 9,
17	Q And in looking at that, I'm looking at Section 2,	16	which is the payroll policy, can you tell me what
	meal periods, and that has six sections, A, B, C,	17	portions of that policy deal with meal breaks?
18	D, E, and F; do you see that?	18	A They refer to it under the purpose, under A, just
19	A Yes.	19	by policy number and name. They're just saying
20	Q And these six sections of the meal period policy	20	this policy refers to other policies. It's also
21	apply to all Aurora employees; is that right?	21	under B2, it talks about the work week section,
22	A That is correct.	22	and then under
23	Q And looking specifically at policy or Section D of	23	Q And when you say it's actually not B2; it's
24	that policy, which talks about instances where an	24	just Section 2.
25	employee does not have an uninterrupted 30-minute	25	A Section 2, correct, and under Section 9, it refers
	Page 43		- 45
	rage 13		Page 45
1	meal period, that says that this is supposed to be	1	to meal periods as well.
1 2	meal period, that says that this is supposed to be considered working time, and it must be	2	to meal periods as well.  Q And all of these policies that we were just
	meal period, that says that this is supposed to be	1	to meal periods as well.
2	meal period, that says that this is supposed to be considered working time, and it must be specifically authorized by a responsible manager and supervisor, and once that approval is granted,	2	to meal periods as well.  Q And all of these policies that we were just talking about, the work week policy, the nonexempt and exempt employee policy and the payroll policy,
2	meal period, that says that this is supposed to be considered working time, and it must be specifically authorized by a responsible manager	2 3 4 5	to meal periods as well.  Q And all of these policies that we were just talking about, the work week policy, the nonexempt
2 3 4	meal period, that says that this is supposed to be considered working time, and it must be specifically authorized by a responsible manager and supervisor, and once that approval is granted,	2 3 4	to meal periods as well.  Q And all of these policies that we were just talking about, the work week policy, the nonexempt and exempt employee policy and the payroll policy,
2 3 4 5	meal period, that says that this is supposed to be considered working time, and it must be specifically authorized by a responsible manager and supervisor, and once that approval is granted, the employee must cancel the meal through the	2 3 4 5	to meal periods as well.  Q And all of these policies that we were just talking about, the work week policy, the nonexempt and exempt employee policy and the payroll policy, all of these policies can be read together to
2 3 4 5 6	meal period, that says that this is supposed to be considered working time, and it must be specifically authorized by a responsible manager and supervisor, and once that approval is granted, the employee must cancel the meal through the automatic time and attendance system at the end of	2 3 4 5 6	to meal periods as well.  Q And all of these policies that we were just talking about, the work week policy, the nonexempt and exempt employee policy and the payroll policy, all of these policies can be read together to describe Aurora's meal break policy, which you
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12 (Pages 42 to 45)

	Page 46		Page 48
1	shown you as Exhibit 6 has a date on the front	1	
1 2	cover of June 29th, 2009. Do you know what that	1 2	A I don't know if there is a retention period for
3	date means?	3	them. Policy on policies has a retention period in it. I just don't know how far back they keep
4	A I believe it's the date that it was last updated.	4	those.
5	Q And so is it safe to assume that this is the	5	Q If you looked at the policy on policies, would
6	current Aurora employee handbook?	6	that help you, which is Exhibit 28?
7	A Yes, to my knowledge, it is.	7	A Yes. On 2A, it refers to the administrative
8	Q Prior to the June 29th, 2009 update, do you know	8	department should be retained for a minimum of
9	when it was updated prior to that?	9	
10	A No, I do not.	10	five years. It's possible that after five years that some of these may be gone.
11	Q Was it updated during your employment with Aurora?	11	Q Who would be the person at Aurora who would best
12	A I believe it has been updated. I don't know the	12	know how to find the historical versions of the
13	exact date that it would have been.	13	
14	Q Do you know if the meal break language contained	14	policies that we've just been talking about?  A I would probably the administrative assistant
15	in the employee handbook was updated during your	15	for our head of HR.
16	employment with Aurora?	16	
17	A Not that I'm aware of.	17	Q So that would be Dwight Morgan's administrative assistant?
18	Q We were just talking about how the automatic	18	
19	half-hour deduction policy for meal breaks applies	19	A No, because he's the interim. It would be the
20	to all Aurora nonexempt employees. Do you know	20	open position's administrative assistant.  Q Do you know who that person is?
21	approximately how many nonexempt employees Aurora	21	A It used to be Andrea Williams. She has a new
22	currently employs?	22	
23	* * *	23	name, Andrea Voleride, I believe. Don't ask me
24	A Roughly, I would say 18 to 20,000. I don't know the exact number.	24	how to spell it.
25	Q And in terms of how many of those are security	25	Q Do you know how long she has been in that
	Q And in terms of now many of those are security	25	position?
	D 47		
	Page 47		Page 49
1	officers, is somewhere between 200 and 250 a fair	1	A She was Dwight's assistant when I came to Aurora.
2	officers, is somewhere between 200 and 250 a fair approximation?	1 2	A She was Dwight's assistant when I came to Aurora.  Sometime between when I started and now, she moved
2 3	officers, is somewhere between 200 and 250 a fair approximation?  A Yes, I would have said around 200.	2	A She was Dwight's assistant when I came to Aurora.  Sometime between when I started and now, she moved over to be the assistant for the VP, the senior VP
2 3 4	officers, is somewhere between 200 and 250 a fair approximation?  A Yes, I would have said around 200.  Q I'm going to jump back and have you look at	2 3 4	A She was Dwight's assistant when I came to Aurora. Sometime between when I started and now, she moved over to be the assistant for the VP, the senior VP of HR when that assistant retired.
2 3	officers, is somewhere between 200 and 250 a fair approximation?  A Yes, I would have said around 200.  Q I'm going to jump back and have you look at Exhibit No. 13 again, which is the work week meal	2 3 4 5	A She was Dwight's assistant when I came to Aurora.  Sometime between when I started and now, she moved over to be the assistant for the VP, the senior VP of HR when that assistant retired.  Q At a minimum, the historical versions of these
2 3 4	officers, is somewhere between 200 and 250 a fair approximation?  A Yes, I would have said around 200.  Q I'm going to jump back and have you look at Exhibit No. 13 again, which is the work week meal and rest period policy. Up at the top in the	2 3 4 5 6	A She was Dwight's assistant when I came to Aurora.  Sometime between when I started and now, she moved over to be the assistant for the VP, the senior VP of HR when that assistant retired.  Q At a minimum, the historical versions of these documents are kept for five years. They might be
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13 (Pages 46 to 49)

1 A Well, the handbook should follow what the published policies are. So if there was a change a to the meal and work week policy, we would need to also update the handbook to match that.  5 Q And who would do that?  6 A Once it was approved, we would talk to who the person managing the handbook, which I believe right now is Shannon Christenson, and we would work with her to get that a update made. (Exhibit No. 29 marked for identification)  2 Q Mr. Rountree, I've shown you what has been marked a today as Exhibit 29. Do you know what this document is?  5 A No, I don't.  6 Q What it appears to me to be is a set of Aurora policies that apply to its corporate loss prevention services. I've got policy I, and then if you thumb through this, the last policy that I see is, I think, policy 29, which is like three pages from the end; do you see that?  2 A Yes.  2 Q You don't know anything about this document?  3 A I believe it would be the head of loss prevention.  4 Q And that's Mr. Cummings?  5 A Correct, Mike Cummings.  6 Q Would Mr. Cummings?  5 A Correct, Mike Cummings.  6 Q Would Mr. Cummings.  6 Q Would Mr. Cummings.  7 A I don't know for sure.  9 (Discussion off the record)  9 Q Mr. Rountree, I'm showing you what has been marked as Exhibit 3  A No, I do not.  Care Loss Prevention Services, Meal and Rest Periods. You have not seen this document?  10 A No, I have not.  11 Care Loss Prevention Services, Meal and Rest Periods. You have not seen this document?  12 Q This document, which appears to provide a meal arest period policy for Aurora's loss prevention officers, this policy would have to be in compliance with Aurora's system-wide policies; is that right?  A That is correct.  9 Q Who would be responsible for that?  2 Yes.  2 Q You don't know anything about this document?  2 A Yes.  2 Q For Aurora, in terms of providing additional  Page 51  1 policies to its loss prevention services folks, who would be responsible for that?  2 A Yes.  2 Q For Aurora, in terms of providing additional  Page 51  1 policies to its	2	Page 50		Page 52
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25 (Exhibit No. 30 marked for 25 Friday, that it was as part of your preparations	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 1	policies?  A I don't know for sure.	8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<ul> <li>Q So it's called I guess it's not called anything. This might be considered a procedure in terms of how you're going to do something?</li> <li>A Yes.</li> <li>Q And Aurora allows various departments to do that, but then also various facilities to have facility-specific rules, procedures to be in compliance with overall policies?</li> <li>A Yes. <ul> <li>(Recess taken)</li> <li>(Exhibit Nos. 31 through 33 marked for identification)</li> </ul> </li> <li>Q Mr. Rountree, I've put in front of you what now has been marked as Exhibits 31, 32, and 33 for today's deposition. Have you seen any of these documents?</li> <li>A I have seen them for the first time Friday. I have not seen them in detail before that.</li> <li>Q I'm assuming that when you say you saw them</li> </ul>

14 (Pages 50 to 53)

	Page 54		Page 56
1	for this deposition?	1	that. Because I do recall changing the employee
2	A Correct.	2	handbook in various places as it pertains to our
3	Q And I don't want to know anything about your	3	area.
4	conversations with your attorney as part of that	4	Q But you're not sure if this language had been
5	preparation, but you had not seen them prior to	5	changed?
6	Friday?	6	A No, I'm not positive.
7	A Correct.	7	Q If it had been changed, you would have been the
8	Q Do you know what they are, having had a chance to	8	person who would have done the revision?
9	take a look at them now or on Friday?	9	A Correct.
10	A They are the operational procedures of each of the	10	(Exhibit No. 35 marked for
11	security departments, how they handle meal and	11	identification)
12	rest periods within their facility.	12	Q Showing you what has been marked as Exhibit 35, do
13	Q So big picture, Exhibit 30, do you know what that	13	you know what this is?
14	document is as it compares to Exhibits 31, 32, and	14	A No, I don't.
15	33?	15	Q Have you ever seen the document before?
16	A It appears to be the overall well, it's the	16	A I may have seen it Friday in the papers that I was
17	same type of policy. I don't know exactly if this	17	looking through, but not before that.
18	is the broader policy of the loss prevention	18	(Exhibit No. 36 marked for
19	department, or if it's just another facility's.	19	identification)
20	Q And did you see this document on Friday?	20	Q Showing you what has been marked as Exhibit 36, do
21	A Yes.	21	you know what this document is?
22	Q Had you seen it prior to then?	22	A This is an article that was put out through our
23	A No, I had not.	23 24	management bulletin to leaders.
24 25	Q We are done with all of those. (Exhibit No. 34 marked for	25	Q When was the first time that you saw this document?
23	Page 55	23	Page 57
1		1	
1 2	identification) Q Showing you what has been marked as Exhibit 34,	1 2	A I recall it coming to in February through the management bulletin.
3	have you seen this document before?	3	Q The management bulletin, can you explain to me how
4	A Yes.	4	you receive that information?
5	Q What is it?	5	A The management bulletin is like an electronic
6	A Well, it is the page out of the employee handbook	6	newsletter that topics are compiled and sent to
7	that refers to rest and meal periods and pay and	7	our communications department. They publish it
8	hours.	8	online basically, and then there is an e-mail that
9	Q So 34 is a part of the employee handbook, which is	9	gets sent out that says here is the management
10	Exhibit 6?	10	bulletin, and when you click into it, you're
11	A Correct.	11	actually going into our kind of a web page of all
12	Q Do you know who drafted this language?	12	these different articles that you can read.
13	A In the last revision, I reviewed it myself. So I	13	Q And this particular article, is it your
14	probably reworded it potentially, but I would have	14	understanding that it was someone at Aurora that
15	to go back and look and see.	15	drafted this?
16	Q And when you did the revision, this is the	16	A Yes.
17	revision that occurred in 2009?	17	Q Do you have any idea of who that would have been?
18	A Correct.	18	A I don't know.
19	Q And when that revision was done in your work on	19	Q Do you know who received this other than you?
20	this, you were rewording this for what purpose?	20	A Every person who is considered a manager and above
21	A Well, if it was. I would actually have to go back	21	would get the management bulletin, which is
22	and see if we actually did and change it. If we	22	roughly 900 people.
23	did, we would have reworded it. The regulation	23	Q And then I'm assuming there's probably a lot of
24 25	hasn't changed or the requirements. We may have just changed the wording. I would need to check	24 25	management bulletins that go out?  A I believe they go out twice a month every other
40	just changed the wording. I would need to check	ركا	A Tocheve mey go out twice a month every other

15 (Pages 54 to 57)

	Page 58		Page 60
1	Friday, I believe. Maybe once a month, but I	1	A That's correct.
2	believe it's twice a month. They recently changed	2	(Exhibit No. 37 marked for
3	some of the ways they do things.	3	identification)
4	Q Do you recall why you received this particular	4	Q Showing you what has been marked as Exhibit 37,
5	bulletin, or do you know why Aurora issued this	5	have you seen this document before?
6	particular bulletin?	6	A No, I have not.
7	A No. We do issue these type of bulletins from time	7	Q Even on Friday?
8	to time just to remind leaders that they need to	8	A No, I have not.
9	be aware of this. There has been several that	9	Q It appears to be a memo from Dave Wood to all
10	have come out recently on other topics, just as a	10	south region security officers having to do with
11	reminder to watch what we're doing and make sure	11	guidelines for lunch breaks. When memos like this
12	we're not doing things we shouldn't be.	12	are issued, does Aurora have a policy in terms of
13	Q And this particular bulletin has to do with	13	somebody from HR reviewing it to make sure it's in
14	interrupted meal breaks; is that right?	14	compliance with the particular law or rules or
15	A Yes.	15	regulations that it applies to?
16	Q And what action, if any, did you take when you	16	A I'm not aware of any policy around.
17	received this bulletin?	17	Q So is it possible that Dave Wood could have just
18	A In this case, none because it's just stating what	18	issued this memo on his own without anyone
19	our policies already state.	19	reviewing it?
20	Q And so you saw this more as a reminder to managers	20	A It's possible. I do note that Mike was copied on
21	sort of on the ground floor to make sure that they	21	it, so I would assume that he reviewed it ahead of
22	were complying with what the policy is already	22	time with Dave.
23	stating?	23	Q But you don't know for sure?
24	A Correct.	24	A I don't know for sure.
25	Q Would Mike Cummings have received this?	25	Q What's Aurora's system-wide policy to make sure
	Page 59		Page 61
1	A Through the management bulletin, yes.	1	that its particular departments are in compliance
2	A Through the management bulletin, yes. Q Because he's management or above?	2	that its particular departments are in compliance with wage and hour laws?
2	<ul><li>A Through the management bulletin, yes.</li><li>Q Because he's management or above?</li><li>A Correct.</li></ul>	2	that its particular departments are in compliance with wage and hour laws?  A There are, in addition to the policy manuals, the
2 3 4	<ul><li>A Through the management bulletin, yes.</li><li>Q Because he's management or above?</li><li>A Correct.</li><li>Q Did Mike Cummings ever talk to you about this?</li></ul>	2 3 4	that its particular departments are in compliance with wage and hour laws?  A There are, in addition to the policy manuals, the policies being online for the managers and
2 3 4 5	<ul> <li>A Through the management bulletin, yes.</li> <li>Q Because he's management or above?</li> <li>A Correct.</li> <li>Q Did Mike Cummings ever talk to you about this?</li> <li>A No.</li> </ul>	2 3 4 5	that its particular departments are in compliance with wage and hour laws?  A There are, in addition to the policy manuals, the policies being online for the managers and directors and whoever to have access to. In
2 3 4 5 6	<ul> <li>A Through the management bulletin, yes.</li> <li>Q Because he's management or above?</li> <li>A Correct.</li> <li>Q Did Mike Cummings ever talk to you about this?</li> <li>A No.</li> <li>Q Did anyone at Aurora ever talk to you about this</li> </ul>	2 3 4 5 6	that its particular departments are in compliance with wage and hour laws?  A There are, in addition to the policy manuals, the policies being online for the managers and directors and whoever to have access to. In addition to that, there are guidelines I
2 3 4 5 6 7	<ul> <li>A Through the management bulletin, yes.</li> <li>Q Because he's management or above?</li> <li>A Correct.</li> <li>Q Did Mike Cummings ever talk to you about this?</li> <li>A No.</li> <li>Q Did anyone at Aurora ever talk to you about this particular bulletin?</li> </ul>	2 3 4 5 6 7	that its particular departments are in compliance with wage and hour laws?  A There are, in addition to the policy manuals, the policies being online for the managers and directors and whoever to have access to. In addition to that, there are guidelines I wouldn't say guidelines. There had been training
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1	to Gene or one of the HR directors for	1	what steps Aurora takes to make sure that it's
2	clarification.	2	meal break policies is in compliance with federal
3	Q And ultimately, I think you testified your	3	and state wage and hour laws. As I understand
4	department is responsible for compliance that	4	your testimony, it is your department that is
5	Aurora is in compliance with wage and hour laws as	5	charged with that task; is that right?
6	it relates to meal breaks; is that right?	6	A Yes.
7	A Correct.	7	Q What person in your department is ultimately
8	(Question read)	8	responsible for that task?
9	Q Let me ask that the way that I meant to ask that,	9	A That would be me.
10	which was your department is the department at	10	Q As the head of the department?
11	Aurora that's responsible for wage and hour law	11	A Correct.
12	compliance; is that correct?	12	Q And other people in the department also work on
13	A We are responsible to set the policy that the	13	that issue?
14	leadership is to follow.	14	A Correct.
15	Q When I say compliance, do you know what I mean?	15	Q Why don't you tell me everything that your
16	A No, if you could clarify.	16	department does in order to make sure that it's
17	Q When I say compliance, I understand that there is	17	meal break policy is in compliance with state and
18	a policy. I'm asking who is responsible at Aurora	18	federal laws?
19	for making sure that that policy is being	19	A We review the state and federal laws. We ensure
20	followed?	20	that our policies that we publish out to the
21	A Specifically referring to the meal break policy?	21	leadership are in compliance with both the federal
22	Q Meal break policy.	22	and state regulations. We provide communication
23	A I believe it would have to rely on the payroll	23	when the policy changes or when a new policy goes
24	department from a day-to-day review of the records	24	into place to the leadership on those policies and
25	of the employees. My department would not see	25	what they should be doing with it. We answer
	Page 63		Page 65
1	actual clock-in, clock-outs of employees, whether	1	questions if the HR or the managers have questions
2	they got their lunch or didn't. The manager	2	regarding specific employee situations. We answer
3	ultimately of the department is the only one that	3	those questions for them and give them advice on
4	would know that.	4	what they should or shouldn't be doing in relation
5	Q And who is responsible for making sure that the	5	to that. It's also managed electronically through
6	manager is following the rules?	6	our time and attendance system where the employee
7	A It would be their leader.	7	has the ability if they were interrupted during a
8	Q And where does the buck stop?	8	meal, that they can go to the clock and push a
9	A I would assume it would be stop with our CEO. I	9	couple of function keys and cancel that meal and
10	mean, obviously, he's not going to get in the	10	be paid for the 30 minutes that was automatically
11	day-to-day details of people clocking in or	11	deducted, or they can tell their supervisor and it
12	clocking out.	12	can be done that way, either through the
13	Q What is the highest-ranking person that Aurora has	13	supervisor or a time editor.
14	specifically tasked with making sure that it's	14	Q You mentioned a lot of things that you do. One
15	meal break policy is being complied with?	15	thing you said is you review the law. Tell me
16	A I don't know specifically if we've tasked anyone	16	about that.
17	at that level that I'm aware of.	17	A We, we being the department, the compensation
18	Q Is there anyone that would know better than you on	18	department members, have access to libraries of
19	that issue?	19	legal information. Some of the stuff we brought
20	A I don't believe so. I mean, other than the head	20	today were things that we printed off of the
21	of HR.	21	various websites. Some were courses, some of them
22	Q And that person is, again?	22	were books that were in compliance with wage and
23	A On an interim basis, would be Dwight.	23	hour regulations. We spend a lot of time
24	(Discussion off the record)  Q Let's talk about Aurora's compliance program or	24 25	researching if there are changes that occur as to what we need to do to make sure that we are in
25			

17 (Pages 62 to 65)

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1	compliance with those changes. That could be	1	various sources around the changes to the federal
2	whether it could be the associations we belong to	2	level law in '04, whether it came from Foley,
3	that have the databases of information that we	3	Quarles, some came from the associations that we
4	use. It could be our HR consulting firms we use	4	belong to, World at Work, SHRM, Society for Human
5	for various projects. They allow us to have	5	Resource Management, and then the consulting firms
6	access to their database as well. We often use	6	that we deal with on a regular basis, Mercer,
7	the Department of Labor and the Department of	7	Hewitt, Towers would have been Towers Perrin
8	Workforce Development websites as well. The	8	then, but it's Towers Watson after they merged.
9 10	opinion letter that the Department of Labor, we	9 10	From those organizations around what the changes were, and we used that information to ensure that
11	monitor those to see if there's anything relevant to what we do in compensation.	11	the wage and hour policies that we had were in
12	Q As it relates to Aurora's meal break policy, what	12	compliance.
13	specific laws has Aurora reviewed in the last	13	Q All of that that you just listed, all of those
14	well, since your taking over the position of	14	sources of information, how much of that had to do
15	director of compensation?	15	with meal break?
16	A Specifically, we looked at both the federal and	16	A Very little because most of it had to do with
17	state regulations around the Fair Labor Standards	17	exemption changes in the laws, other than the
18	Act, and I don't recall the exact quote for the	18	Department of Labor website itself and the
19	state law. But we reviewed those when there were	19	workforce development had those pieces in it.
20	changes to the act in 2004 at the federal level,	20	Q So limiting your answer then just to the meal
21	and we ended up creating a policy for exempt and	21	break policy, what information was reviewed in
22	nonexempt employees out of that change that	22	2004 specifically related to Aurora's meal break
23	occurred at the federal level.	23	policy?
24	Q And other than 2004, have you reviewed the federal	24	A It would have been the Department of Labor
25	and state law at any other time with regard to the	25	website, the workforce development, and we also
	Page 67		Page 69
1	meal break policy?	1	had update sessions with Foley and Quarles & Brady
2	A Not unless there was something to initiate the	2	around changes that included meal break periods
3	review. In other words, we received a notice from	3	within those.
4	the Department of Labor or from a we get a lot	4	Q Related to the Department of Labor, what
5	of information coming in from organizations that	5	information did you find on their website
6	say these changes are out there. If there is a	6	regarding meal break policies?
7	change, this is what you need to do. In this	7	A Just their guidance around how meal periods should
8	case, to my knowledge, there have been no changes	8	be handled. I mean, obviously, it's like most
9	to the meal or break periods at either the federal	9	websites, it had each section broken out, and we
10	or state level.	10	went through those to make sure we were in
11 12	Q Was the meal and break period policy reviewed in 2004?	11 12	compliance. As we created the nonexempt and exempt employee policy, we put pieces in there of
13	A Yes.	13	things that we felt were important for the leaders
14	Q Tell me about that review process.	14	to know, in addition to the exemption changes that
15	A When the federal law changed, which was mainly the	15	were occurring in '04.
16	exemption status changes that occurred in late	16	Q And in 2004, after you had done the review of the
17	'04, we looked at all of our wage and hour	17	Department of Labor, the information on the
18	policies that existed just to make sure everything	18	Department of Labor's website, did you feel that
19	was still in line with the regulations.	19	Aurora's policy needed to be changed in any way as
20	Q Tell me about that. What did you do to make sure	20	it related to the meal break policy?
21	it was in line?	21	A No, I did not.
22	A Well, we went to both the Department of Labor and	22	Q Same question then with the review you did at the
23	the workforce development websites to find out	23	Department of Workforce Development's website, was
24	what they were saying about the law. There was a	24	there any information that you learned on that
25	significant amount of information provided from	25	website that made you think that Aurora's meal

18 (Pages 66 to 69)

	D 00		D 00
	Page 70		Page 72
1	break policy needed to be changed in any way?	1	A No.
2	A No.	2	Q You listed some other sources of information that
3	Q Can you describe for me the differences between	3	you received around the 2004 time period. Did any
4	your understanding of the federal meal break law	4	of that information cause you to believe that
5	and the State of Wisconsin's meal break law?	5	Aurora needed to change its meal break policy?
6	A The main difference that I recall is the timing.	6	A No, it did not.
7	The federal law really only requires 20 minutes,	7	Q And Aurora did not change its meal break policy in
8	while the state law requires 30, a 30-minute	8	2004?
9	uninterrupted break.	9	A No, we did not.
10	Q Any other differences that you can	10	Q So Aurora's current meal break policy has been in
11	A Not that I can recall.	11	place at least since 2002?
12	Q Is there something that would help you recall your	12	A Correct.
13	understanding?	13	Q In terms of making sure that the policy is being
14	A No, not without re-looking at it again.	14	complied with on a system-wide basis, can you tell
15	Q So if you took another look at the materials from	15	me what Aurora does to do that?
16	the websites, you might remember some more things?	16	A We publish the policies, and we do things like the
17	A Correct, yes.	17	management bulletin update to remind managers of
18	Q Other than the review that was done in 2004, since	18	what they have to do with the meal and break
19	you've been in your position as the director of	19	policy, or any policy, for that matter. I believe
20	compensation, has Aurora reviewed it's meal break	20	I stated HR does internal training within their
21	policy at all?	21	site on various topics. Some of it is regulation.
22	A Not since that time frame, no.	22	Some of it may be other HR-related topics.
23	Q And you had mentioned some meetings with	23	Q Those are those brown bag lunches?
24	Foley & Lardner and Quarles & Brady as sources of	24	A Yeah, I call them that. They may call them
25	information about the meal	25	something different, but it's just internal
			<u> </u>
	Page 71		Page 73
1	Page 71	1	Page 73
1	A Like seminars. There are periodic, formal	1 2	training to their site, as well as the information
2	A Like seminars. There are periodic, formal seminar-type briefings that they provided.	2	training to their site, as well as the information we have available online to the managers.
2	<ul><li>A Like seminars. There are periodic, formal seminar-type briefings that they provided.</li><li>Q This was not, you know, a personal strike all</li></ul>	2	training to their site, as well as the information we have available online to the managers.  Q Other than providing information, either by
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20 (Pages 74 to 77)

	2 50		2 00
	Page 78		Page 80
1	James Chelino. Did you attend that seminar?	1	Foley called Class Action Defense, Counseling
2	A Yes, I did.	2	Problem Prevention. It says copyright 2004 from
3	Q I've got a Foley & Lardner seminar from May 9th	3	Foley. Do you know what this document is?
4	through the 10th, 2002, called Employment Law	4	A It's another seminar that I attended at Foley.
5	Seminar for Johnson Controls, Human Resources.	5	Q Probably in about 2004?
6	Did you attend that seminar?	6	A '04, '05.
7	A Yes.	7	Q It looks like it was put on by Bernard Bobber and
8	Q And that was in your position at Johnson Controls?	8	Patrick Toft?
9	A Correct.	9	A Yes.
10	Q I've got a black binder that says ACA on the	10	Q And then I've got a white binder called Exemption
11	front. Can you tell me what this is?	11	Tests and Practice from World at Work; what's
12	A That's the actual module from the certification	12	this?
13	course.	13	A This is a course that they offered to help you
14	Q Certification for?	14	work through the exemption tests. It doesn't have
15	A The certified compensation professional related to	15	anything in it related outside of the exemption
16	wage and hour regulations.	16	testing element.
17	Q And these materials, have you received these over	17	Q Nothing to do with meal breaks?
18	a number of years, or are these historical	18	A Nothing at all.
19	documents?	19	Q And then got the ComplyWare FLSA software, this
20	A That is historical. That was the actual module	20	says included updated 2004, fair play rules.
21	from the course itself at the time.	21	Anything in here on the meal break periods?
22	Q When does this date from?	22	A Only to the extent that the actual regulations are
23	A I don't know exactly when I took that one. I took	23	part of the text. It's not intended for that, but
24	them over a three-year period. There should be a	24	it is available in there, in text.
25	date down at the bottom of the book, I believe.	25	MR. SCULLEN: I would just note for
	Page 79		Page 81
1		1	
1 2	This one says 1999.		the record too that I believe there were two
2	This one says 1999.  Q Does that seem about right?	1 2 3	the record too that I believe there were two dual opinion letters that were part of that
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2 3 4	This one says 1999.  Q Does that seem about right?	2 3	the record too that I believe there were two dual opinion letters that were part of that group.  (Exhibit No. 38 marked for
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21 (Pages 78 to 81)

	Dogo 92		Daga 94
	Page 82		Page 84
1	related to wage and hour and we keep those. Not	1	Q If you look at the second page of the document, at
2	necessarily for any reason that we needed to other	2	the very bottom on the left-hand side, there's
3	than it's reference material that we have.	3	what looks like a computer directory, looks like O
4	Q When you reviewed this, did you take any action	4	drive and HR 91/policies AMCO; do you know what
5	regarding Aurora's meal break policy?	5	all that means?
6	A No, we did not.	6	A It looks like a shared drive on our O, O using the
7	(Exhibit No. 39 marked for	7	shared directory that the HR department has
8	identification)	8	everyone in their HR department has access to.
9	Q Showing you what has been marked as Exhibit 39,	9	It's specifically to Oshkosh, though.
10	can you tell me what this document is?	10	Q Any way from looking at this document to figure
11	A It's, again, a dual opinion letter related to meal	11	out who would have drafted it?
12	breaks.	12	A No.
13	Q And at some point you reviewed this document?	13	(Recess taken)
14	A Yes. This one specifically deals with the	14	(Exhibit No. 40 marked for
15	question of automatic meal deductions.	15	identification)
16	Q And after reading this document, you took no	16	Q Showing you what has been marked as Exhibit 40,
17	action in terms of modifying Aurora's meal break	17	Mr. Rountree, do you know what this document is?
18	policy?	18	A Yes. This is the work week and rest periods
19	A No, we found ours to be in compliance.	19	document, and it has the change form attached to
20	Q When you reviewed this, did you take any other	20	it for the changes that occurred.
21	actions other than just simply reviewing the	21	Q And the change form, you're looking at the last
22	letter?	22	page of this document?
23	A None.	23	A Correct.
24	Q So when you say you determined you were in	24	Q What can you tell me about the change form, what
25	compliance, you read this, you knew what the	25	does it tell us?
	Page 83	1	5 05
	rage 03		Page 85
1	policy was, and you	1	A We made a change roughly in '04 around how we were
2	policy was, and you A From that standpoint, yes.	2	A We made a change roughly in '04 around how we were on an eight and 80 payment of overtime. We went
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22 (Pages 82 to 85)

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	Page 86		Page 88
1	loss prevention department?	1	Q Did that revision relate to the meal and break
2	A Yes, everything to my knowledge.	2	period at all?
3	Q And your department is the only department in	3	A No, it did not.
4	charge of ensuring that the loss prevention	4	Q With regard to the policy on policies, which I
5	department follows Aurora's meal break policy; is	5	believe is Exhibit 28, do all revisions to
6	that right?	6 7	policies, do you know, do they necessarily get
7 8	A Ultimately, yes. Again, I would say that the leadership of the department and at each site HR	8	reflected in a change of policy form consistent with Exhibit 28?
9	people have a role in that as well.	9	A To my knowledge, they would because that's how
10	Q From a human resources perspective, your	10	they get put on. There's only one control point
11	department is the only department in charge of	11	to put them online.
12	ensuring that the loss prevention department	12	Q Is that true for if there was a spelling error in
13	complies with the meal and lunch break policy; is	13	a policy, would that change be reflected on the
14	that right?	14	policy data form?
15	MR. SCULLEN: Objection,	15	A It should be. I can't say that there were
16	mischaracterizes his testimony and asked and	16	policies that were sent over and said this word
17	answered.	17	was changed without that change form being done.
18	MR. PARSONS: Can't be both.	18	To my knowledge, that's what they request.
19	MR. SCULLEN: Sure, it can. You	19	Q You were asked about training. Are you familiar
20	asked the question already, and you also, in	20	with HR training for leaders?
21	the course of asking your question,	21	A Yes.
22	mischaracterized his prior testimony.	22	Q Is that different than the brown bag training you
23	MR. PARSONS: I wasn't purporting	23	testified to?
24	to characterize his testimony at all. I was	24	A There is specific training as part of leadership
25	just asking a question.	25	development that has different orientations in it
	Page 87		Page 89
1	(Question read)	1	from HR orientation, benefits, those type of
2	MR. SCULLEN: You can answer.	2	things.
3	A I would say no on that because while we set the	3	Q Does it cover the meal and break policy?
4	policy, and we ensure we try to ensure people	4	A I'm not for sure.
5	follow it, we're not the people at the ground	5	MR. SCULLEN: That's all I have.
6	level in that department or at that site from an	6	MR. PARSONS: I don't think I have
7	HR perspective. I would say the HR department at	7	anything else.
8	that site would have responsibility as well as the	8	(Adjourning at 12:16 p.m.)
9 10	comp department for ensuring that they're following the meal and rest period policy.	9 10	
11	Q The HR departments on site, do they report to you?	11	
12	A They do not.	12	
13	MR. PARSONS: That's all the	13	
14	questions I have for now.	14	
15	questions I have for now.	15	
16	EXAMINATION	16	
17	By Mr. Scullen:	17	
18	Q With regard to the exempt and nonexempt policy,	18	
19	which is Exhibit 8, just to clarify, when was that	19	
20	created?	20	
21	A It was originally created, we created it in '07,	21	
22	June of '07.	22	
23	Q And the revision it notes that there was a	23	1
24	revision in February of 2008?	24	
25	A Yes.	25	

23 (Pages 86 to 89)

Page 90  2 STATE OF WISCONSIN )		Mair A. Rouitti	ee 12/20/2010
See COUNTY OF DANE )  I RRANDÉ A BROWNE, a Registered Professional A Reporter and Notary Public duly commissioned and qualified in and for the State of Wisconsin, do hereby certify that pursuant to notice, there came before me on the 20th day of December 2010, at 940 in the forenoon, at Quarles & Brady, LLP, Attorneys at Law, 41 East Wisconsin Avenue, Suite 2040, the City of Milwaukee, County of Milwaukee, and State of Wisconsin, the following named person, to wit:  MARK A, ROUNTREE, who was by me duly swom to testify to the truth and anothing but the truth of his knowledge touching and concerning the matters in controversy in this cause; that he was thereupon carefully examined upon his oath and his examination reduced to typewriting with computer-aided transcription; that the deposition is a true record of the testimony given by the wimess; and that reading and signing was not valved.  I further certify that I am neither automous or counterfly for related to or employed by any of the parties to the action in which this deposition is taken and further that I am not a relative or employee of any attorney or counsel for not related to remployed by any of the parties to the action in which this deposition is taken and further that I am not a relative or employee of any attorney or counsel for not make the action.  Notary Public, State of Wisconsin Reporter  My commission expires  April 21, 2013  Notary Public, State of Wisconsin Reporter  My commission expires  April 21, 2013		Page 90	
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